

# DOCUMENT 1.10

flying to interior POEs—thus obviating the need for them to make the dangerous journey to the SWB. Meanwhile, the GOM for the first time made an independent decision to accept the returns of Venezuelans who crossed the SWB without authorization pursuant to the Title 42 public health Order, which imposed a consequence on Venezuelans who sought to come to the SWB rather than avail themselves of the newly announced parole process. With the vast majority of those encountered returned to Mexico, fewer releases have freed up DHS resources that would otherwise be used to process these individuals; this has also reduced the number of individuals state and local governments, as supported by civil society, have had to receive and assist.

The effects have been felt throughout the Western Hemisphere, not just in the United States. Thousands of Venezuelans who had already crossed the Darién have flown back to Venezuela on voluntary flights organized by the governments of Mexico, Guatemala, and Panama, as well as civil society.<sup>5</sup> Other migrants who were about to enter the Darién have turned around and headed back south.<sup>6</sup> Still others who were intending to migrate north are staying where they are to apply for this lawful process, rather than make the dangerous journey to the SWB.<sup>7</sup>

DHS has seen strong interest in this parole process. As of December 27, 2022, DHS had authorized travel for more than 15,700 Venezuelan beneficiaries, already more than half of the available number of travel authorizations.<sup>8</sup> Of those authorized to travel to the United States, more than 10,600 have arrived and been paroled into the country.<sup>9</sup> More than 3,600 of those Venezuelans who have flown into the United States and were paroled through this process arrived from Colombia; another 2,300 came from Venezuela, 1,500 from Mexico, and

3,100 from other countries. Those figures show that the process is reaching both people in Venezuela and Colombia before they seek to irregularly migrate, and those who are displaced in transit countries, like Mexico.<sup>10</sup>

### III. Changes

Given the early success of the process, the Secretary has authorized two changes to the process to ensure its continued viability, particularly as DHS prepares for an eventual transition from Title 42 processing to full Title 8 processing at the border.<sup>11</sup>

#### *A. Removal of the 24,000 Limit on Travel Authorizations and Replacement With a 30,000 Monthly Limit Spread Across Separate and Independent Parole Processes*

The process announced in the October 19 **Federal Register** Notice was subject to a numerical limit. Demand for the Venezuela process has far exceeded the 24,000 limit set in the first **Federal Register** Notice. In just two months of operation, DHS received thousands of applications from supporters and has already approved well more than half of the available travel authorizations. Were DHS to reach the numerical limit, prospective migrants would no longer be eligible for this process, which serves as a meaningful alternative to irregular migration. DHS anticipates that we would then see increased irregular migration of Venezuelans.

Accordingly, the Secretary has removed the 24,000 numerical limit on travel authorizations and replaced it with a monthly limit of 30,000 travel authorizations in the aggregate spread across this process and the separate and independent Parole Process for Cubans, Parole Process for Haitians, and Parole Process for Nicaraguans (as described in separate notices published concurrently in today's edition of the **Federal Register**). This change gives DHS the flexibility to continue the process for Venezuelans, thereby providing more certainty to the public and supporting partners. It also preserves the flexibility to extend or terminate the process, as the circumstances warrant. DHS will continue to evaluate this monthly limit and make adjustments if needed over time.

<sup>10</sup> *Id.*

<sup>11</sup> The Secretary authorized the changes following considerations reflected in the Secretary's decision memorandum dated December 22, 2022. See Memorandum for the Secretary from the Under Secretary for Strategy, Policy, and Plans, Acting Commissioner of U.S. Customs and Border Protection, and Director of U.S. Citizenship and Immigration Services, Updates to the Parole Process for Certain Venezuelan Nationals (Dec. 22, 2022).

#### *B. Updated Eligibility Criteria*

Following the GOM's independent decision to accept returns of Venezuelans, DHS began expelling Venezuelans who are encountered after entering the United States without authorization, pursuant to the Title 42 public health Order. Currently, a Venezuelan (or qualifying immediate family member) is ineligible to participate in the parole process if, among other things, they crossed irregularly into the United States after October 19, 2022—regardless of whether they were expelled, ordered removed, or departed voluntarily.<sup>12</sup>

After the Title 42 Order ceases to be in effect, DHS will resume Title 8 immigration processing of all individuals, including Venezuelans. Pursuant to Title 8, noncitizens who have entered the United States without authorization may be permitted to voluntarily depart pursuant to Immigration and Nationality Act (INA) 240B, 8 U.S.C. 1229c, may be permitted to voluntarily withdraw their application for admission pursuant to INA 235(a)(4), 8 U.S.C. 1225(a)(4), or may be ordered removed, regardless of whether Title 42 remains in effect.

Individuals continue to be generally ineligible for consideration for parole pursuant to this process if they have crossed into the United States without authorization between POEs along the SWB since October 20, 2022. There will now be the following exception: individuals who have crossed without authorization into the United States after December 20, 2022, and have been permitted a single instance of voluntary departure pursuant to INA 240B, 8 U.S.C. 1229c, or withdrawal of their application for admission pursuant to INA 235(a)(4), 8 U.S.C. 1225(a)(4), will remain eligible to participate in the parole process. If such an individual crossed without authorization between POEs along the SWB from October 20, 2022 through December 20, 2022, they would remain ineligible to participate and the exception would not apply. Permitting Venezuelan nationals to voluntarily depart or withdraw their application for admission one time and still be considered for parole through the process will reduce the burden on DHS personnel and resources that would otherwise be required to obtain and execute a final order of removal. This includes reducing strain on detention and removal flight capacity, officer resources, and reducing costs associated with detention and monitoring.

<sup>12</sup> 87 FR 63507 (Oct. 19, 2022).

<sup>5</sup> La Prensa Latina Media, *More than 4,000 migrants voluntarily returned to Venezuela from Panama*, <https://www.laprensa-latina.com/more-than-4000-migrants-voluntarily-returned-to-venezuela-from-panama/>, Nov. 9 2022 (last viewed Dec. 8, 2022).

<sup>6</sup> Voice of America, *U.S. Policy Prompts Some Venezuelan Migrants to Change Route*, <https://www.voanews.com/a/us-policy-prompts-some-venezuelan-migrants-to-change-route/6790996.html>, Oct. 14, 2022 (last viewed Dec. 8, 2022).

<sup>7</sup> Axios, *Biden's new border policy throws Venezuelan migrants into limbo*, <https://www.axios.com/2022/11/07/biden-venezuela-border-policy-darien-gap>, Nov. 7 2022 (last viewed Dec. 8, 2022).

<sup>8</sup> Department of Homeland Security, *Daily Venezuela Report*, Dec. 27, 2022.

<sup>9</sup> *Id.*



The Secretary has also approved a conforming change to provide that a Venezuelan national who is a permanent resident or dual national of any country or holds refugee status in any country other than Venezuela remains eligible to be considered for parole under this process if DHS operates a similar parole process for nationals of that other country. All other eligibility requirements described in the October 19, 2022 Notice remain the same.

These changes are responsive to our multilateral commitments to address irregular migration throughout the Hemisphere. In this case, the United States is making two changes to this process that will support our commitment to creating additional lawful pathways. For its part, the GOM has made an independent decision to accept the return or removal, including under Title 8, of Venezuelan nationals who bypass this new process and enter the United States without authorization. The United States' continued operation of this process is contingent on the GOM's independent decision in this regard.

#### C. Scope, Termination, and No Private Rights

The Secretary retains the sole discretion to terminate the Parole Process for Venezuelans at any point. The number of travel authorizations granted under this process shall be spread across this process and the separate and independent Parole Process for Cubans, Parole Process for Haitians, and Parole Process for Nicaraguans (as described in separate notices published concurrently in today's edition of the **Federal Register**), and shall not exceed 30,000 each month. Each of these processes operates independently, and any action to terminate or modify any of the other processes will have no bearing on the criteria for or independent decisions with respect to this process.

This process is being implemented as a matter of the Secretary's discretion. It is not intended to and does not create any rights, substantive or procedural, enforceable by any party in any matter, civil or criminal.

### IV. Regulatory Requirements

#### A. Administrative Procedure Act

The October 19 **Federal Register** Notice describing this process explained that this process is exempt from notice-and-comment rulemaking requirements because (1) the process is a general statement of policy,<sup>13</sup> (2) the process

pertains to a foreign affairs function of the United States,<sup>14</sup> and (3) even if notice-and-comment were required, DHS would for good cause find that the delay associated with implementing these changes through notice-and-comment rulemaking would be impracticable and contrary to the public interest because of the need for coordination with the GOM, and the urgent border and national security and humanitarian interests in reducing and diverting the flow of irregular migration.<sup>15</sup> The changes described in this Notice are amenable to immediate issuance and implementation for the same reasons.

First, these changes relate to a general statement of policy,<sup>16</sup> i.e., a "statement[]" issued by an agency to advise the public prospectively of the manner in which the agency proposes to exercise a discretionary power."<sup>17</sup> As section 212(d)(5)(A) of the INA, 8 U.S.C. 1182(d)(5)(A), provides, parole decisions are made by the Secretary of Homeland Security "in his discretion."

Second, even if these changes were considered to be a legislative rule that would normally be subject to requirements for notice-and-comment rulemaking and a delayed effective date, these changes—like the implementation of the process itself—pertain to a foreign affairs function of the United States, as described in the October 19 notice, and are directly responsive to ongoing conversations with, and requests from, foreign partners.<sup>18</sup> Specifically, the GOM has urged the United States to consider lifting the 24,000 limit,<sup>19</sup> which would allow more Venezuelans to participate in and engage the process and further disincentivize irregular migration, enhancing the security of both of our borders. Delaying implementation of these changes to conduct notice-and-comment rulemaking would directly implicate the GOM's independent decision to accept returns, including under Title 8 processes, and produce undesirable international consequences. Absent these changes, DHS would soon reach the 24,000 cap and GOM would no longer accept the returns of Venezuelan nationals. Thus, without these changes,

DHS would no longer have the ability to return Venezuelan nationals to Mexico, and the Venezuela process would no longer be viable. That would then, in all likelihood, lead to another surge in migration of Venezuelan nationals throughout the hemisphere and to our border.

Finally, even if notice-and-comment and a delayed effective date were required, DHS would for good cause find that the delay associated with implementing these changes through notice-and-comment rulemaking would be impracticable and contrary to the public interest because of the need for coordination with the GOM, and the urgent border and national security and humanitarian interests in reducing and diverting the flow of irregular migration.<sup>20</sup> As noted above, absent immediate action, there is a risk that DHS meets the 24,000 cap, which would in turn cause the GOM to no longer accept the returns of Venezuelan nationals and end the success of the parole process to date at reducing the number of Venezuelan nationals encountered at the border.

#### B. Paperwork Reduction Act (PRA)

Under the Paperwork Reduction Act (PRA), 44 U.S.C. chapter 35, all Departments are required to submit to the Office of Management and Budget (OMB), for review and approval, any new reporting requirements they impose. The process announced by this notice involves three collections of information, as follows.

In connection with the process for Venezuelans, OMB has previously approved a revision to USCIS Form I-134, *Declaration of Financial Support* (OMB control number 1615-0014) under the PRA's emergency processing procedures at 5 CFR 1320.13. OMB has recently approved a new collection, Form I-134A, *Online Request for Consideration to be a Supporter and Declaration of Financial Support* (OMB control number 1615-NEW). This new collection will now be used for the Venezuela parole process and is being revised in connection with this notice, including by increasing the burden estimate. USCIS has submitted and OMB has approved a request for emergency authorization of the required changes (under 5 CFR 1320.13) for a period of 6 months. Within the next 90 days, USCIS will immediately begin normal clearance procedures under the PRA.

OMB has also previously approved an emergency request under 5 CFR 1320.13 for a revision to an information

<sup>14</sup> 5 U.S.C. 553(a)(1).

<sup>15</sup> 5 U.S.C. 553(b)(B).

<sup>16</sup> 5 U.S.C. 553(b)(A); *id.* 553(d)(2).

<sup>17</sup> *Lincoln v. Vigil*, 508 U.S. 182, 197 (1993) (quoting *Chrysler Corp. v. Brown*, 441 U.S. 281, 302 n.31 (1979)).

<sup>18</sup> 5 U.S.C. 553(a)(1).

<sup>19</sup> See Dallas Morning News, *Ahead of Title 42's end, U.S.-Mexico negotiations called 'intense,' 'round-the-clock'* <https://www.dallasnews.com/news/2022/12/13/ahead-of-title-42s-end-us-mexico-negotiations-called-intense-round-the-clock/>, Dec. 13, 2022 (last viewed Dec. 14, 2022).

<sup>20</sup> See 5 U.S.C. 553(b)(B); *id.* 553(d)(3).

<sup>13</sup> 5 U.S.C. 553(b)(A); see also *id.* 553(d)(2).



collection from CBP entitled Advance Travel Authorization (OMB control number 1651–0143). In connection with the changes described above, CBP is making further changes under the PRA’s emergency processing procedures at 5 CFR 1320.13, including increasing the burden estimate. OMB has approved the emergency request for a period of 6 months. Within the next 90 days, CBP will immediately begin normal clearance procedures under the PRA.

More information about these collections can be viewed at [www.reginfo.gov](http://www.reginfo.gov).

**Alejandro N. Mayorkas,**

*Secretary of Homeland Security.*

[FR Doc. 2023–00253 Filed 1–5–23; 4:15 pm]

**BILLING CODE 9110–09–P**

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4678–DR; Docket ID FEMA–2022–0001]

#### West Virginia; Major Disaster and Related Determinations

**AGENCY:** Federal Emergency Management Agency, DHS.

**ACTION:** Notice.

**SUMMARY:** This is a notice of the Presidential declaration of a major disaster for the State of West Virginia (FEMA–4678–DR), dated November 28, 2022, and related determinations.

**DATES:** The declaration was issued November 28, 2022.

**FOR FURTHER INFORMATION CONTACT:** Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that, in a letter dated November 28, 2022, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the “Stafford Act”), as follows:

I have determined that the damage in certain areas of the State of West Virginia resulting from severe storms, flooding, landslides, and mudslides during the period of July 12 to July 13, 2022, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the “Stafford Act”). Therefore, I declare that such a major disaster exists in the State of West Virginia.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance in the designated areas and Hazard Mitigation throughout the State. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance and Hazard Mitigation will be limited to 75 percent of the total eligible costs.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Jeffrey L. Jones, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas of the State of West Virginia have been designated as adversely affected by this major disaster:

McDowell County for Public Assistance.

All areas within the State of West Virginia are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

**Deanne Criswell,**

*Administrator, Federal Emergency Management Agency.*

[FR Doc. 2023–00177 Filed 1–6–23; 8:45 am]

**BILLING CODE 9111–23–P**

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4677–DR; Docket ID FEMA–2022–0001]

#### South Carolina; Major Disaster and Related Determinations

**AGENCY:** Federal Emergency Management Agency, DHS.

**ACTION:** Notice.

**SUMMARY:** This is a notice of the Presidential declaration of a major disaster for the State of South Carolina (FEMA–4677–DR), dated November 21, 2022, and related determinations.

**DATES:** The declaration was issued November 21, 2022.

**FOR FURTHER INFORMATION CONTACT:** Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that, in a letter dated November 21, 2022, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the “Stafford Act”), as follows:

I have determined that the damage in certain areas of the State of South Carolina resulting from Hurricane Ian during the period of September 25 to October 4, 2022, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the “Stafford Act”). Therefore, I declare that such a major disaster exists in the State of South Carolina.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance and Public Assistance in the designated areas and Hazard Mitigation throughout the State. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance, Hazard Mitigation, and Other Needs Assistance under section 408 will be limited to 75 percent of the total eligible costs.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, 42 U.S.C. 5153, shall be for a period not to exceed six months after the date of this declaration.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Kevin A. Wallace, Sr., of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas of the State of South Carolina have been designated as adversely affected by this major disaster:



Venezuela Tren de Aragua

## Tren de Aragua

by *InSight Crime*

12 Jul 2024



Tren de Aragua is Venezuela's **most powerful** homegrown criminal actor and the only Venezuelan gang that has successfully projected its power abroad. It has grown from a prison gang limited to the state of Aragua, to a transnational threat with a wide criminal portfolio.

This **transnational expansion** came on the backs of Venezuelan migrants fleeing the country. From Tocarón prison in Aragua, the gang oversaw and profited from cells established in at least three other South American countries. However, in September 2023, 11,000 Venezuelan police and military personnel, backed by armored vehicles, **stormed** Tocarón to seemingly take control of what had been Tren de Aragua's center of operations. Despite the blow of losing Tocarón, the gang's leadership **escaped**, and its transnational cells continue to operate.

Tren de Aragua's expansion to Colombia, Peru, and Chile has, in certain cases, upended local criminal law. Manage consent 1 significant attention from the authorities within these countries and across the

VZ Vacatur\_0138



region. Concern among some lawmakers in the United States about the group's **potential expansion** there led the country's Treasury Department to **sanction** Tren de Aragua as a transnational criminal organization in July 2024. Additionally, the US State Department has offered \$12 million in rewards for information leading to the arrests of three of its main leaders.

## History

Tren de Aragua was born in the Tocarón prison in the state of Aragua. The group's name, which roughly translates to the Aragua Train, may have originated from a labor union working on a railway project through the state which was never finished.

Héctor Rustherford Guerrero Flores, alias "**Niño Guerrero**," turned Tren de Aragua into what it is today during his imprisonment in Tocarón.

Under Niño Guerrero's leadership, Tocarón became one of the country's **most notorious** prisons, in large part due to the Venezuelan government's **unofficial policy** of handing control of some prisons, including Tocarón, over to crime bosses known as *pranes*. This freedom and the gang's criminal income allowed for the **construction** of a zoo, swimming pool, playground, restaurant, and nightclub within the prison.

With the gang's control firmly cemented within the prison, Tren de Aragua began expanding its influence. It **started** with the nearby San Vicente neighborhood, where it established strict social control and even **received** resources and support from the government via its charitable wing known as "Fundación Somos El Barrio JK."

Some criminal gangs already operating in Aragua established non-aggression pacts with the gang, among them **Tren del Llano**. However, after Tren del Llano's leader **was killed** in 2016, Tren de Aragua took over its territories in Aragua and part of Guárico state, according to police sources who spoke on condition of anonymity for fear of their safety.

In the years that followed, the gang expanded its network to other states in Venezuela through alliances with smaller gangs, eventually building a presence in at least five other states. During this process, it expanded its criminal portfolio in Venezuela to include extortion, kidnapping, human trafficking for sexual exploitation, migrant smuggling, **contraband**, illegal mining, retail drug trafficking, cybercrime, and theft.



Tren de Aragua's expansion **turned transnational** around 2018, when the gang attempted to **establish itself** on the Venezuela-Colombia border between the Venezuelan state of Táchira and the Colombian department of Norte de Santander. There, it clashed with major Colombian criminal groups, including the National Liberation Army (Ejército de Liberación Nacional – **ELN**) and the Gaitanistas (Autodefensas Gaitanistas de Colombia – **AGC**). The groups fought for control of clandestine border crossings, known as *trochas*, which are home to a variety of criminal economies, including the smuggling of drugs, contraband, and migrants.

Tren de Aragua carved out a niche for itself in the Colombian border town of La Parada, where many Venezuelan migrants fleeing their country first arrive in Colombia. At this point, the Venezuelan exodus was in full swing, and Tren de Aragua **saw an opportunity** in the desperation of its compatriots. While larger Colombian groups focused on drug trafficking, Tren de Aragua began to exploit Venezuelan migrants systematically, charging them extortion fees, smuggling them into and throughout Colombia, and taking control of various nodes of the human trafficking for sexual exploitation market.

Between 2018 and 2023, Tren de Aragua built a transnational criminal network, setting up cells in Colombia, Peru, and Chile, with further reports of a sporadic presence in Ecuador, Bolivia, and **Brazil**.

The group expanded **following** Venezuelan migration flows, initially staying under the radar by only targeting Venezuelan migrants as it increased its presence in border crossings and urban areas where Venezuelan migrants congregate.

As cells became more established, they **moved into** local criminal economies, employing eye-catching, targeted violence to force out local gangs and establish themselves as a serious threat. In addition to extortion and migrant smuggling, Tren de Aragua cells abroad control loan sharking (also referred to as *gota a gota*, or “drop by drop”), retail drug trafficking, kidnapping, **small-scale international drug trafficking**, human trafficking, and robberies. Each cell specializes in different activities, based on local conditions.

However, as the gang's **use of violence** abroad has **rung** regional alarm bells, authorities across South America now have Tren de Aragua firmly in their crosshairs. Venezuela's government finally retook control of Tocarón in September 2023, depriving the gang of its historic stronghold, while security forces in Chile, Peru, and Colombia have **carried out** “mega-operations” targeting the gang since 2022.



# Leadership

The head of the gang is Héctor Rustherford Guerrero Flores, alias “Niño Guerrero,” who led the group from Tocarón prison until September 2023. He escaped before the operation, with Venezuelan civil society **reporting** that he was warned ahead of time. His location remains unknown.

Guerrero started his criminal career in 2005, when he murdered a police officer in Aragua, according to records from Venezuela’s Supreme Court of Justice. He was first imprisoned in Tocarón in 2010 but **escaped** two years later.

His recapture and return to Tocarón in 2013 led Guerrero to consolidate Tren de Aragua alongside other criminals, who became his most trusted lieutenants. These included Larry Amaury Álvarez, alias “Larry Changa,” and Yohan José Guerrero, alias “**Johan Petrica**.”

Álvarez escaped Tocarón in 2015 and migrated to Chile in 2018, where he led the expansion of the Tren de Aragua’s faction there. In 2022, as the Chilean police began to investigate him, he fled to Colombia, from where he continued leading the faction’s operations in Chile and planned the group’s expansion in Colombia. Álvarez was **arrested** in July 2024 in the Colombian department of Quindío.

For his part, Johan Petrica has been accused of leading a powerful illegal gold mining gang in Las Claritas, in the south of Bolívar state, known as the **Las Claritas Sindicato**. Some reports suggest that Niño Guerrero may be hiding with Petrica in Las Claritas following the invasion of Tocarón.

Along with offering rewards for information leading to the capture of Niño Guerrero and Johan Petrica, the US State Department **offered** a \$3 million reward for information regarding Giovanni San Vicente, alias “Giovanny” or “El Viejo,” in July 2024, and named him as one of the group’s three leaders. US intelligence officials believe both Niño Guerrero and Giovanni are hiding out in Colombia.

Reports from security forces in Peru, Chile, and Colombia suggest that despite the geographic spread of the gang, it has maintained a hierarchical structure, with Niño Guerrero calling the shots. Judicial documents show how several Tren de Aragua lieutenants have been dispatched to cells across the region, some of whom even appear to rotate between cells in multiple countries.



# Geography

Tren de Aragua's operations center was previously located in Tocarón prison, in the state of Aragua. The gang is also present in at least five other Venezuelan states: Carabobo, Sucre, Bolívar, Guárico, and Lara.

It remains unclear where the group's new nucleus will be following the September 2023 invasion of Tocarón. However, there is no indication that the gang has stopped operating in Venezuela.

Outside of Venezuela, Tren de Aragua has established permanent cells in Colombia, Peru, and Chile, with reports of its activities in Brazil, Ecuador, and Bolivia.

These activities are often concentrated in border areas with clandestine border crossings regularly used by Venezuelan migrants, such as the Venezuela-Colombia border between Táchira and Norte de Santander, the Peru-Chile border, and the Bolivia-Chile border. The gang has also established cells in urban zones with large Venezuelan migrant populations, including **Bogotá**, Colombia; Lima, Peru; and Santiago, Chile.

## Allies and Enemies

Tren de Aragua maintains numerous links with organized crime and prison-based groups, both in Venezuela and in other countries, with which it has established pacts of non-aggression and even alliances to share criminal income. One such prison gang was located in the Trujillo Judicial Confinement Center, dominated by Álvaro Enrique Montilla Briceño, alias "El Loro." This prison was **taken over** by security forces just over a month after officials stormed Tocarón.

In addition, Tren de Aragua allegedly recruited and financed a small criminal gang in Lara state, called the "**El Santanita**" gang, to commit kidnappings and extortion.

A 2021 report from Brazil stated that Tren de Aragua members had been jailed in the northern state of Roraima, near Venezuela, and were working with Brazil's largest criminal group, the First Capital Command (Primeiro Comando da Capital – **PCC**), claims **repeated** by a 2022 academic investigation, although the exact nature of this relationship remains unclear.

Tren de Aragua has clashed with multiple groups, including the ELN, for control of border crossings between Venezuela and Colombia. Local officials and security forces across the region have highlighted

the gang's willingness to use targeted violence to force out local gangs.

The gang's relationship with Venezuelan security forces and government officials has been complex. On the one hand, multiple sources interviewed by InSight Crime have pointed out that the group has corrupted local and regional officials. Its growth was also driven by the state's unofficial devolution of power to the *pranes* and the impunity it enjoyed within Tocarón. Even following the government invasion of Tocarón, its relationship with officials remains murky. It has lost its stronghold, but appears to have received advanced warning, and no high-ranking gang members were captured.

## Prospects

Tren de Aragua's expansion across South America was the first time a Venezuelan gang managed to project itself internationally. It has become a threat to regional security, and dismantling it will not be easy.

However, its international spread appears to have slowed, and the loss of its operational base in Tocarón prison could disrupt its transnational operations. What's more, security forces across the region are pumping resources into targeting the gang's cells, with over 100 alleged members arrested in 2022 and 2023 by Peruvian, Chilean, and Colombian officials. These arrests, while weakening the gang outside of prison, have the potential to bring the group back to its roots and **spread** through foreign prisons.

The mass migration that allowed for Tren de Aragua's expansion is also slowing and evolving. There was little criminal infrastructure in South America prepared for the number of Venezuelan migrants who traveled across the continent between 2018 and 2022, allowing Tren de Aragua to step in and claim the lion's share of the profits.

Now, however, Venezuelans are increasingly traveling north to the United States, crossing through Colombia and Central America. This is decreasing the migrant-centered income in Tren de Aragua's existing territory. With **human smuggling** and **trafficking** along the northern route already controlled by powerful gangs, Tren de Aragua is not likely to be able to expand north as easily as it did in South America.

Reports of new cells continue to surface in South America, although officials **suggest** that many of these are copycat groups seeking to take advantage of Tren de Aragua's notoriety. It remains to be seen whether Tren de Aragua will maintain its existing network, continue to grow, or if it will fall into decline.



© 2025 InSight Crime  
Powered by Newspack

News Venezuela

## Why Is Venezuela's Crime Rate Falling?

by *Venezuela Investigative Unit*

28 May 2024



A government-reported decline in Venezuela's crime rate may create the illusion of a security breakthrough, but the reduction has more to do with reconfigurations in the country's underworld than an effective state response.

In mid-May, Venezuelan security officials **announced** that crime indicators had fallen by 25.1% compared to 2023.

The Venezuelan government attributes the decrease to **large-scale operations** conducted by security forces against criminal groups.

President Nicolás Maduro also touted a similar theory in December 2023, **saying** “the country is seeing the best results in over 20 years in terms of citizen security, peace, and the protection of the people.”

**SEE ALSO:** *In Zulia, Venezuela, Not Even Schools Escape Extortion*

Manage consent

VZ Vacatur\_0145



The announcements coincide with figures from the Venezuelan Violence Observatory (Observatorio Venezolano de Violencia – OVV), an organization that studies insecurity and violence at the national level. The OVV also recorded a decrease in violent deaths compared to 2022 and 2023.

But while the government highlights the role of the armed forces, there may be more complex reasons behind the drop-off in crime.

Below, InSight Crime explores key factors driving the apparent drop in crime in Venezuela – a country once considered the most dangerous in Latin America.

## Mass Criminal Migration

Aside from large-scale security operations, the OVV’s most recent [violence report](#) draws a link between the migration of criminal groups and a reduction in crime.

Venezuela’s ongoing economic crisis has squeezed both ordinary citizens and the country’s criminal groups. Economic decline in the labor and commercial sectors has left businesses and citizens unable to pay criminal groups, reducing opportunities for extortion and ransom kidnappings.

“Crime is falling in Venezuela because of the destruction of the country’s economy...because of the loss of opportunities for crime,” OVV director, Roberto Briceño-León, told InSight Crime.

Recession in Venezuela has led criminal gangs like the [Tren de Aragua](#), [Yeico Masacre](#), and [The Meleán](#) to infiltrate Venezuelan diasporas settled in other Latin American countries.

These gangs – especially the Tren de Aragua – have exploited the vulnerability of migrants and a lack of regional cooperation between authorities to [expand criminal operations](#) abroad. In Chile, Colombia, and Peru, the expansion of these organizations has led to spikes in violence and crime.

## Monopolizing Violence

The territorial and criminal hegemony enjoyed by some non-state armed groups has created a false sense of security in some regions. The OVV report also points to pacts between the government and some criminal groups, in addition to the monopolization of violence in some regions, as contributing factors to improved security perceptions.

For instance, the **National Liberation Army (Ejército de Liberación Nacional – ELN)** – a Colombian guerrilla group with operations in Venezuela – gained a monopoly on extortion in the Apure state, bordering Colombia, after receiving preferential treatment from the Maduro government.

*SEE ALSO: Venezuela Security Policy: Armed Groups and Electoral Interference*

The ELN **helped** the Venezuelan army expel a faction of Colombia’s ex-FARC mafia – a rival group – from the Apure state in 2022, reducing competition for extortion rackets and social control.

“People may start to feel safer when they can pay one bandit instead of three. They pay one big bandit and the big bandit protects them,” Briceño-León said.

But though the ELN’s territorial control may appear to improve security, locals are still subjected to **rigorous social rules**, the imposition of illegal taxes, and restrictions on their mobility. Failure to comply with these rules carries severe punishments.

“At times Guasqualito [a settlement in Apure] seems like the safest town in the country because it is controlled by the guerrillas,” a cattle rancher who requested anonymity for security reasons told InSight Crime.

## Controlling the Narrative

Despite the Venezuelan government’s efforts to promote the drop-off in crime, the absence of official reports makes it impossible to verify the data.

In addition to lacking documentary support, some statements on the reduction in crime have been inconsistent. The most recent figures show a 25% reduction in crime, but, in early May, Ceballos reported a **24%** decrease. In December 2023, a **16%** drop was reported.

In 2015, Venezuelan authorities **stopped** publishing official data on national and regional security, including data on homicides, extortion, and kidnappings.

Instead, the task of collecting statistics and disseminating this information has fallen on the media and NGOs, including the OVV. However, organizations or media outlets failing to tow the government’s line



risk facing persecution.

Aside from closures of non-state media and harassment of journalists, the Maduro government is also close to approving a law that would grant it greater control over NGOs.

With **elections looming** in Venezuela, security has become a key instrument for boosting the Maduro government's little remaining popularity.

*Featured image: President Maduro greets Venezuelan police officers during an official event. Credit: Venezuelan government.*

© 2025 InSight Crime

Powered by Newspack

## CHAPTER IV.b

### Venezuela



---

## **CHAPTER IV. B: VENEZUELA**

<b>I.</b>	<b>INTRODUCTION .....</b>	<b>713</b>
<b>II.</b>	<b>INSTITUTIONAL CRISIS AND ARBITRARY INTERFERENCE IN DEMOCRACY.....</b>	<b>715</b>
A.	Separation of powers and democratic institutional framework .....	715
B.	Arbitrary interference of the citizens' branch in democracy.....	715
<b>III.</b>	<b>CLOSURE OF CIVIC SPACE .....</b>	<b>716</b>
A.	Legislative initiatives aimed at closing the civic space.....	716
B.	Court rulings impacting the civic space .....	717
C.	Criminalization of political participation and the need to implement agreements in good faith .....	717
D.	Persecution against human rights defenders and union leaders .....	718
E.	Corruption and opacity in public governance .....	719
<b>IV.</b>	<b>HUMAN RIGHTS VIOLATIONS.....</b>	<b>720</b>
A.	Violations of the right to life, liberty and personal integrity.....	720
B.	Situation of freedom of expression .....	722
C.	Situation of economic, social, cultural and environmental Rights (ESCERs).....	730

---

<b>V.</b>	<b>IMPACT ON GROUPS IN VULNERABLE SITUATIONS AND DISCRIMINATION .....</b>	<b>733</b>
	Women.....	734
	Refugees, migrants and persons from Venezuela in need of international protection.....	736
	Persons deprived of liberty.....	737
	Lesbian, gay, bisexual, trans and intersex (LGBTI) persons .....	740
	Indigenous peoples.....	741
	Afro-descendant persons.....	742
<b>VI.</b>	<b>CONCLUSIONS AND RECOMMENDATIONS.....</b>	<b>742</b>



## **CHAPTER IV. B**

### **VENEZUELA<sup>1</sup>**

#### **I. INTRODUCTION**

1. In fulfilling its conventional and statutory mandate, the Inter-American Commission on Human Rights (“the Commission”, “the Inter-American Commission” or “the IACHR”) has followed up on the human rights situation in Venezuela with special attention. The State has been included in Chapter IV.B of the Annual Report since 2005 due to the complete erosion of the democratic system and the serious human rights situation. The progressive concentration of power in the executive branch and the absence of the Rule of Law have been documented throughout these years.

2. In spite of the different calls and recommendations from the Inter-American Commission and other international bodies, in 2023, the State did not adopt suitable and effective measures to restore the democratic order and the separation and independence of the branches of government. This has allowed the executive branch to maintain control over the judicial branch, the citizens’ branch,<sup>2</sup> the electoral branch and the legislative branch, and to impose a systematic policy of repression and intimidation against individuals and organizations that defend rights, express their disagreement with the government, are opponents or perceived as such.

3. Consequently, after having assessed the human rights situation in Venezuela, the Commission decided to incorporate this country into Chapter IV.B of its Annual Report in accordance with Article 59, subparagraphs 6.a.i, 6.a.ii, 6.d.i and 6.d.iii of its Rules of Procedure, which establishes the following criteria:

- a. a serious breach of the core requirements and institutions of representative democracy mentioned in the Inter-American Democratic Charter, which are essential means of achieving human rights, including:
  - i. there is discriminatory access to or abusive exercise of power that undermines or denies the rule of law, such as systematic infringement of the independence of the judiciary or lack of subordination of State institutions to the legally constituted civilian authority;
  - ii. there has been an unconstitutional alteration of the constitutional regime that seriously impairs the democratic order.
- d. The presence of other structural situations that seriously affect the use and enjoyment of fundamental rights recognized in the American Declaration, the American Convention or other applicable instruments. Factors to be considered shall include the following, among others:

---

<sup>1</sup> Chapter not approved by Commissioner Carlos Bernal, with a partial reasoned vote. The partial reasoned vote is found at the end of this chapter.

<sup>2</sup> The Constitution establishes a Citizen Power. Its bodies enjoy functional, financial, and administrative autonomy. Citizen Power is exercised by the Republican Moral Council composed by the Ombudsman, the Prosecutor General and the Comptroller General of the Republic (Constitution of the Bolivarian Republic of Venezuela, promulgated on December 30, 1999. Art. 273).

i. serious institutional crises that infringe the enjoyment of human rights.

iii. serious omissions in the adoption of the necessary measures to make fundamental rights effective, or in complying with the decisions of the Commission and the Inter-American Court [...].

4. In relation to Article 59, subparagraphs 6.a.i, 6.a.ii and 6.d.i, the Commission considers that, after more than a decade of undue and arbitrary interference, the executive branch has succeeded in controlling the different branches of government. The process of co-opting the institutions has been greatly facilitated by the lack of independence of the Supreme Court of Justice (TSJ). Since 2015, this institution has acted as an extension of the executive branch by systematically adopting decisions which are detrimental to the Rule of Law, the separation of powers and political participation. All this constitutes a clear violation of the requirements set forth in the Inter-American Democratic Charter and other applicable instruments.

5. The subordination of the institutions to the executive branch had two significant consequences in 2023. First, no decisive measures were adopted to combat impunity for the violations that had occurred in previous years, especially during the protests of 2015 and 2017. It is important to remind that, since these violations were serious and systematic, and considering that they remain unpunished, the Office of the Prosecutor of the International Criminal Court (ICC) opened an investigation due to the alleged commission of crimes against humanity, an unprecedented event in the Western Hemisphere.

6. The second consequence of the absence of independence of the branches of government was discrimination in the access to public office. During this year, the Office of the Comptroller General of the Republic ratified the disqualification sanctions imposed against opposition leaders with presidential aspirations. In addition, the Office of the Public Prosecutor opened criminal investigations against the individuals who had organized the so-called “primary elections,” aimed at asking citizens about who they would choose as the opposition candidate for the 2024 presidential election. These acts show that the national public institutions operate primarily to guarantee the permanence of the ruling party in power, and not to promote and protect human rights.

7. Regarding Article 59, subparagraph 6.d.iii of the Rules of Procedure, the Commission notes that the structural situations that seriously affect the enjoyment of human rights persist, especially with respect to economic, social, cultural and environmental rights (ESCERs). The limitations on access to these rights caused 500,000 persons to forcibly leave the country in 2023.<sup>3</sup> More than 7 million persons have been forced to migrate, resulting in the largest displacement in the region and one of the largest in the world. This migration flow responds to a survival strategy to protect rights such as life, personal integrity, health and food. All of this is a consequence of the dire human rights situation in Venezuela.

8. In accordance with Article 59.5 of the Rules of Procedure, the Commission has used various sources of information to prepare this report. These sources include: official acts and any statement or action attributable to state bodies; information available in cases, petitions and precautionary and provisional measures in the inter-American system; information gathered in the course of on-site visits; information obtained during public hearings; conclusions of other international human rights bodies, including UN treaty bodies; human rights reports issued by governments and regional organs; reports by civil society organizations and public information that is widely disseminated in the media.

---

<sup>3</sup> This number was obtained by contrasting the *R4V Latin America and the Caribbean, Venezuelan Refugees and Migrants in the Region* report, published in December 2022, with the *R4V Latin America and the Caribbean, Venezuelan Refugees and Migrants in the Region*, from August 2023.



9. The Commission approved this report on November 29, 2023. On January 12, 2024, the Commission sent the State of Venezuela a copy of the report in accordance with Article 59.10 of its Rules of Procedure. The State did not submit observations.

## **II. INSTITUTIONAL CRISIS AND ARBITRARY INTERFERENCE IN DEMOCRACY**

### **A. Separation of powers and democratic institutional framework**

10. At the regulatory level, the Constitution establishes the separation and independence of powers.<sup>4</sup> Nevertheless, due to constant interference from the executive branch, the institutions intended to promote and protect human rights operate primarily to guarantee the permanence of the ruling party in power.

11. The independence of the judiciary remained compromised in 2023 due to the irregular appointment of Supreme Court justices, the possibility of reelection within that institution, the excessive number of provisional judges, the lack of public competitive examinations for positions within the judiciary and the absence of guarantees for the stability in office.<sup>5</sup>

12. Likewise, the independence of the legislative branch remained compromised due to the lack of guarantees for opposition political parties, the arbitrary criminal prosecution of opposition leaders and the removal from office and disqualification sanctions imposed by the Office of the Comptroller General of the Republic. The Commission recalls that the National Assembly elected in 2015 was suspended arbitrarily by the Supreme Court of Justice and no measures to repair this severe damage to the institutional framework of the country have been adopted to date.<sup>6</sup>

13. The independence of the citizens' branch also remained compromised due to the irregular appointment of its authorities. The current Attorney General of the Republic, the highest authority in the Office of the Public Prosecutor, was not appointed in accordance with the Constitution. Instead, the National Constituent Assembly was responsible for the designation.<sup>7</sup>

14. The independence of the electoral branch remained compromised as a consequence of the atypical appointment of the National Electoral Council (CNE) authorities. The members of the CNE Board of Directors resigned on June 14 this year without providing an adequate justification.<sup>8</sup> This situation empowered the National Assembly to appoint new members. As part of this restructuring process, the National Assembly appointed Elvis Amoroso as president of the CNE. At that time, Mr. Amoroso was the highest authority in the Office of the Comptroller General of the Republic, an entity which has systematically imposed disqualification sanctions against opposition leaders.<sup>9</sup> The Commission recalls that the members of the CNE were not appointed in accordance with constitutional procedures between 1991 and 2021.<sup>10</sup>

### **B. Arbitrary interference of the citizens' branch in democracy**

15. During this year, the Office of the Comptroller General of the Republic continued imposing sanctions such as disqualification for holding public office, which constitute violations of the inter-American standards on political rights). These sanctions have been disproportionately imposed, against individuals who oppose the government, which has in turn caused discrimination in the access to public office.

<sup>4</sup> For example, see Articles 256 and 294 of the 1999 Constitution.

<sup>5</sup> IACHR, [2022 Annual Report. Chapter IV.B. Venezuela](#), paras. 14–19.

<sup>6</sup> IACHR, [2021 Annual report. Chapter IV.B. Venezuela](#), paras. 23–36.

<sup>7</sup> IACHR, [2019 Annual Report. Chapter IV.B. Venezuela](#), para. 32.

<sup>8</sup> *El País*, [“La renuncia de la directiva del Consejo Nacional Electoral en Venezuela deja en el aire las primarias de la oposición,”](#) June 14, 2023.

<sup>9</sup> National Assembly, [“Asamblea Nacional designa y juramenta a nuevos rectores del CNE,”](#) August 24, 2023.

<sup>10</sup> Acceso a la Justicia, [“La historia de un fraude \(III\): el secuestro del Poder Electoral,”](#) September 21, 2019.

Below are some of the disqualification sanctions with the greatest impact on the Venezuelan opposition, based on official documentation and observations from international bodies.

16. On June 27, through Official Letter No. DGPE-23-08-00-008,<sup>11</sup> the Office of the Comptroller General of the Republic announced that opposition candidate María Corina Machado had been disqualified from holding public office for 15 years, thus preventing her from running in the 2024 presidential elections. This disqualification follows those of other well-known opposition leaders aspiring to run for president, such as Henrique Capriles and Freddy Superlano.<sup>12</sup>

17. The European Union,<sup>13</sup> the Office of the High Commissioner for Human Rights<sup>14</sup> and the Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela established by the Human Rights Council (hereinafter “the Independent International Mission”) have condemned these disqualifications.<sup>15</sup>

18. The Commission recalls that the State of Venezuela was found internationally responsible for these sanctions in *López Mendoza v. Venezuela*. In this context, the Commission reiterates that no administrative body can restrict the political rights to elect and be elected through sanctions of disqualification or dismissal. In accordance with inter-American standards, in order to consolidate and protect a democratic system that is respectful of human rights, this type of sanction can only be imposed through a sentence adopted by a judge within the framework of a criminal proceeding.<sup>16</sup>

### III. CLOSURE OF CIVIC SPACE

#### A. Legislative initiatives aimed at closing the civic space

19. During this year, the National Assembly continued discussing legislative proposals aimed at controlling and limiting the work of civil society organizations, as well as restricting fundamental freedoms, such as the freedom of expression, association, and participation in matters of public interest.

20. On January 24, 2023, the legislative branch successfully held a first debate on a bill to audit and regularize the operations of non-governmental organizations and other similar institutions and to oversee their actions and funding.<sup>17</sup> This bill not only restricts the activities that may be carried out by these organizations, but also enables state authorities to unilaterally dissolve all organizations who, by the State's own criteria, engage in political activities or otherwise undermine national stability or the institutions of Venezuela.<sup>18</sup>

21. The introduction of the bill included stigmatizing references to 62 civil society organizations, who were described as “enemies,” “traitors,” and “front operations for political parties.”<sup>19</sup> This confirms that

<sup>11</sup> Office of the Comptroller General of the Republic, General Directorate for Special Procedures, Official Letter No. DGPE-23-08-00-008, June 27, 2023.

<sup>12</sup> IACHR, Press Release No. 155/23, “[Venezuela: IACHR Condemns Politically Motivated Persecution of Individuals in Run-Up to Elections](#),” July 14, 2023.

<sup>13</sup> European Parliament, [Resolution on the political disqualifications in Venezuela](#), 2023/2780 (RSP), July 12, 2023.

<sup>14</sup> Office of the High Commissioner for Human Rights, “[Venezuela update by High Commissioner Türk](#),” July 5, 2023.

<sup>15</sup> United Nations Human Rights Council, *Report of the Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela*, [A/HRC/54/57](#), September 18, 2023, paras. 70–72.

<sup>16</sup> IACHR Court, *López Mendoza v. Venezuela*. Merits, reparations and costs. Judgment of September 1, 2011. Series C No. 233.

<sup>17</sup> National Assembly, “[AN aprueba en primera discusión ley para regular las ONG](#),” January 24, 2023.

<sup>18</sup> Bill titled “[Law for the Supervision, Regularization, Performance and Financing of Non-Governmental and Related Organizations](#).”

<sup>19</sup> National Assembly, “[AN aprueba en primera discusión ley para regular las ONG](#),” January 24, 2023.



human rights defense organizations still face a hostile environment in Venezuela, where smear campaigns, stigmatization and acts of harassment are rife in retaliation for their advocacy activities.<sup>20</sup>

## **B. Court rulings impacting the civic space**

22. During 2023, the Supreme Court of Justice continued to adopt arbitrary decisions that restrict the civic space, discourage participation in matters of public interest and evidence the absence of independence from the executive branch.

23. On August 4, the Supreme Court of Justice dissolved the National Committee of the Venezuelan Red Cross through Judgment No. 1,057 and appointed an *ad hoc* restructuring board with the power to reorganize it. This decision contradicts the organization's internal bylaws regarding its governance and grants powers contrary to its articles of incorporation.<sup>21</sup> Likewise, on August 11, 2023, the TSJ issued Judgment No. 1,160, through which it arbitrarily appointed an *ad hoc* board of directors for the Communist Party of Venezuela, a political organization which opposes the government coalition.<sup>22</sup>

## **C. Criminalization of political participation and the need to implement agreements in good faith**

24. The Commission has indicated that the human rights challenges in Venezuela show the need for dialogue processes aimed at re-establishing democratic institutions and the independence of the branches of government.<sup>23</sup> Therefore, the Commission welcomed the dialogue sessions between the government and the Unity Platform (coalition of opposition parties) held from August 13 to 15,<sup>24</sup> which resumed on November 25, 2022.<sup>25</sup>

25. In 2023, the Commission commended the agreements reached by the parties in Bridgetown, Barbados, on October 17. Among other things, the State committed to establishing a timetable and road map for presidential elections so that the participation of all candidates without arbitrary restrictions, under equal conditions and with security guarantees, would be ensured. In addition, as a result of these agreements, the State released a group of at least five people who had been arbitrarily detained, including journalist Ronald Carreño and opposition legislator Juan Requesens.<sup>26</sup>

26. In spite of the commitments assumed, during this year, the Office of the Public Prosecutor opened a criminal investigation against the organizers of a public consultation, held on October 22, with the purpose of electing the person who would run represent the opposition in the presidential elections.<sup>27</sup>

---

<sup>20</sup> United Nations Human Rights Council, *Report of the Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela*, [A/HRC/54/57](#), September 18, 2023, para. 79.

<sup>21</sup> Supreme Court of Justice, Action for the protection of collective or diffuse interests or rights. File No. 23-0802. Judgment No. 1,057, August 4, 2023.

<sup>22</sup> Supreme Court of Justice, Claim for the protection of constitutional rights. File No. 23-0708. Judgment No. 1,160, August 11, 2023.

<sup>23</sup> IACHR, Press Release No. 217/21, "[IACHR Calls for Serious, Broad, Inclusive Dialogue for the Urgent Reconstruction of Democratic Institutions in Venezuela](#)," August 23, 2021.

<sup>24</sup> IACHR, Press Release No. 217/21, "[IACHR Calls for Serious, Broad, Inclusive Dialogue for the Urgent Reconstruction of Democratic Institutions in Venezuela](#)," August 23, 2021.

<sup>25</sup> *El País*, "[El Gobierno venezolano y la oposición acuerdan descongelar entre 3.000 y 5.000 millones de fondos estatales en el extranjero](#)," November 25, 2022.

<sup>26</sup> IACHR, Press Release No. 253/23, "[Venezuela: IACHR Urges State to Implement Agreements, Including Guarantees for Political Participation](#)," October 27, 2023.

<sup>27</sup> IACHR, Press Release No. 253/23, "[Venezuela: IACHR Urges State to Implement Agreements, Including Guarantees for Political Participation](#)," October 27, 2023.

27. The Commission considers that the opening of this criminal investigation contravenes the spirit of the agreements and discourages political participation. In the Venezuelan context, political rights are essential for dialogue and to overcome the crisis. Therefore, it is crucial to implement agreements in good faith, avoid the criminalization of this type of citizen initiatives and guarantee the political participation of all sectors in the next presidential elections.<sup>28</sup>

#### **D. Persecution against human rights defenders and union leaders**

28. Human rights defenders and union leaders continued to face an adverse environment in 2023. This was marked by public smear campaigns promoted by high-ranking public officials, stigmatization, acts of harassment and criminal proceedings as a means of reprisal for their work.

29. During the 188<sup>th</sup> ordinary period of sessions held in November 2023, civil society organizations informed that the State had adjusted its repressive model. In this regard, they reported that repression was no longer generalized and had become more selective, with a special focus on individuals with leadership roles within workers' movements with the purpose of discouraging social mobilizations.<sup>29</sup>

30. In this context, according to information received in 2023, 87 union leaders were detained and prosecuted for defending rights between 2013 and 2022, and 344 cases of threats against workers and union leaders were recorded only in 2022. In addition, between July 4 and 7, 2022, six individuals with leadership roles within unions were arbitrarily detained and subsequently sentenced to lengthy terms of imprisonment in August 2023.<sup>30</sup>

31. In the state of Bolívar, six workers of the Alfredo Maneiro Orinoco Steel Mill (SIDOR) (company) were detained in January 2023 under "incitement to hatred" charges. Three other union leaders of the same company were arrested in July of the same year, two of whom were transferred to Caracas and brought before a court with special competence over terrorism. A leader of the Socialist Workers United Front of the state of Bolívar was detained on July 7, 2023, and his home was raided on September 1, 2023.<sup>31</sup>

32. Furthermore, the Center for Defenders and Justice (CDJ) informed that 421 attacks against human rights defenders were recorded between January and September 2023, which represents a 6.31 percent increase from 2022.<sup>32</sup> In general, the civil society stated that the executive branch is trying to build an internal enemy narrative by linking the work of human rights defenders to criminal activities, especially by associating them with terrorism, destabilization and threats to the peace of the country.<sup>33</sup>

33. At the same time, international human rights bodies have also warned about the hardships faced by human rights defenders and union leaders. The Independent International Mission determined that there were reasonable grounds to believe that the regular activities of human rights defenders, union members, journalists and politicians had been systematically repressed, either through direct intervention or through intimidation and surveillance. The acts of repression documented in 2023 included harassment by security forces in uniform and individuals in civilian clothes, unauthorized pictures, threats in the street and in their own homes.<sup>34</sup>

34. The Independent International Mission also documented a concerted Government campaign to undermine the reputation of real or perceived opponents to the government through defamatory and

---

<sup>28</sup> IACHR, Press Release No. 253/23, "[Venezuela: IACHR Urges State to Implement Agreements, Including Guarantees for Political Participation](#)," October 27, 2023.

<sup>29</sup> IACHR, 188<sup>th</sup> regular period of sessions, public hearing "[Venezuela: closure of civic spaces](#)," held on November 9, 2023.

<sup>30</sup> IACHR, 188<sup>th</sup> regular period of sessions, public hearing "[Venezuela: closure of civic spaces](#)," held on November 9, 2023.

<sup>31</sup> IACHR, 188<sup>th</sup> regular period of sessions, public hearing "[Venezuela: closure of civic spaces](#)," held on November 9, 2023.

<sup>32</sup> IACHR, 188<sup>th</sup> regular period of sessions, public hearing "[Venezuela: closure of civic spaces](#)," held on November 9, 2023.

<sup>33</sup> CDJ, *Situation of human rights defenders in Venezuela, First semester of 2023*, June 2023, p. 5.

<sup>34</sup> United Nations Human Rights Council, *Report of the Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela*, [A/HRC/54/57](#), September 18, 2023, para. 54.



stigmatizing messages issued by high-level state officials, which were taken up and widely diffused by pro-government websites and social media.<sup>35</sup>

35. In addition, the Office of the High Commissioner for Human Rights (OHCHR) documented, between May 1, 2022, and April 30, 2023; 21 cases of threats and harassment, 46 cases of stigmatization on social media or public broadcasts by state officials; and 17 instances of criminalization, including 10 arbitrary detentions against human rights defenders, journalists and other civil society actors, including eight women.<sup>36</sup>

36. The Commission considers that human rights defenders and union leaders face an active public policy of persecution, discrediting and criminalization by the State. It is important to recall that human rights defenders and civil society organizations are fundamental pillars in any democratic society. Therefore, it is crucial that Venezuela urgently refrain from taking any actions or measures that may disproportionately restrict the right of association and negatively impact the free exercise of the defense of human rights.

### **E. Corruption and opacity in public governance**

37. The Commission observes that public governance in Venezuela lacks transparency. There is no publicly available information in the country with regard to human development indexes, poverty, schooling, infant mortality, maternal mortality, malnutrition, government contracting, civil service, impunity, criminal complaints, public finances, among others.

38. According to the most recent report published by Transparency International, Venezuela was ranked 177 among the 180 countries perceived to be the most corrupt.<sup>37</sup> Eighty-seven percent of individuals considered that corruption had increased in the previous 12 months, and 50 percent believed that public service had been used to pay bribes.<sup>38</sup>

39. The opacity in public governance, the use of the judiciary as a political instrument and the absence of independence of institutions from the ruling party has a twofold effect. On one hand, it enables corruption and creates a climate of tolerance for it. On the other, it casts doubt on the efforts made to fight this phenomenon, especially when political benefits are sought or obtained from the arrest of individuals for non-flagrant criminal offenses.

40. The Commission notes that more than 40 public officials from Petróleos de Venezuela, S.A. (PDVSA), a state company, were detained in March of this year due to alleged corruption acts.<sup>39</sup> However, due to the opacity of the information, it is not possible to determine whether these charges respond to criminal conduct or political persecution since the executive branch uses the criminal justice system to persecute workers who oppose the government.

41. The Commission notes that economic, social, cultural and environmental rights may be seriously and negatively impacted by corruption, both directly and indirectly. An act of corruption directly impairs a right when it is used as a means to prevent its effective realization and enjoyment; for instance, when a person has to make unlawful payments to study or gain access to health care, among others. In such instances, corruption is used directly to impair protected rights, be it by obstructing direct access to their full enjoyment or by reducing the resources specifically required to guarantee those rights.<sup>40</sup>

---

<sup>35</sup> United Nations Human Rights Council, *Report of the Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela*, [A/HRC/54/57](#), September 18, 2023, para. 57.

<sup>36</sup> OHCHR, *Situation of human rights in the Bolivarian Republic of Venezuela*. Report of the United Nations High Commissioner for Human Rights, [A/HRC/53/54](#), July 4, 2023, para. 61.

<sup>37</sup> Transparency International, *Corruption perceptions index*, 2022.

<sup>38</sup> Transparency International, *Global corruption barometer*, 2019.

<sup>39</sup> France 24, “*Ya son 42 los funcionarios y empresarios detenidos en Venezuela en la ‘cruzada’ anticorrupción*,” April 2, 2023.

<sup>40</sup> IACHR, *Corruption and Human Rights in the Americas: Inter-American Standards*, 2019, para. 163.

42. In other situations, acts of corruption create the conditions contributing indirectly or in a more subtle or covert manner to violations of economic, social, cultural and environmental rights when, for instance, the authorities find themselves forced to prioritize private interests in their fiscal policy, thereby reducing the overall availability of public resources; when they fail to take proactive steps to recover resources diverted by acts of corruption; when they inflate prices in procurement processes or prioritize private interests in public tenders for jobs in the education or health sectors, thereby jeopardizing quality in educational and health care services, among others.<sup>41</sup>

#### **IV. HUMAN RIGHTS VIOLATIONS**

##### **A. Violations of the right to life, liberty and personal integrity<sup>42</sup>**

43. The State has systematically violated human rights, including freedom of expression, to facilitate the concentration of power in the executive branch, to discourage political participation and to undermine the independence of institutions. At the same time, institutional deterioration, and the lack of independence of the judiciary have fostered a climate of impunity in the face of serious human rights violations, which may amount to crimes against humanity due to their systematic nature.

44. In light of the reluctance to decisively combat impunity, on June 27, 2023, the Pre-Trial Chamber of the International Criminal Court (ICC) ordered the Office of the Prosecutor of that body to resume their investigation on the alleged commission of crimes against humanity. Venezuela is the only country in the Western Hemisphere with an open investigation before the ICC.

45. Both the Inter-American Commission and the Independent International Mission<sup>43</sup> agree that neither the Office of the Public Prosecutor nor the Office of the Ombudsperson nor the judiciary have acted with due diligence to investigate, prosecute, and punish serious human rights violations. This is a consequence of the lack of independence of these institutions from the government.

46. The absence of independent democratic institutions has also prevented the State from prioritizing the design of public policies aimed at addressing the needs of the population, especially to counteract the narrowed access to ESCERs.

##### **Extrajudicial executions and arbitrary deprivation of life**

47. The Independent International Mission investigated nine cases of deaths between 2020 and 2023, out of which five might be attributable to state authorities. Three of these deaths took place in the context of demonstrations over fuel shortages; the remaining two cases involved individuals who were deprived of liberty and reportedly died as a result of the denial of adequate medical attention.<sup>44</sup> In addition, the Committee of Relatives of Victims of the Caracazo (COFAVIC) reported that 414 cases of alleged extrajudicial executions were recorded between January and September 2023.<sup>45</sup>

##### **Political prisoners and arbitrary detentions**

48. The Commission has used the term “political prisoners” to refer to individuals who, by misusing criminal law, have been detained arbitrarily for disagreeing politically and ideologically with governments in office, for legitimately exercising the fundamental freedoms of expression, assembly and

<sup>41</sup> IACHR, *Corruption and Human Rights in the Americas: Inter-American Standards*, 2019, para. 164.

<sup>42</sup> This section was prepared by the Office of the Special Rapporteur for Freedom of Expression.

<sup>43</sup> United Nations Human Rights Council, *Report of the Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela*, [A/HRC/54/57](#), September 18, 2023, para. 42.

<sup>44</sup> United Nations Human Rights Council, *Report of the Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela*, [A/HRC/54/57](#), September 18, 2023, paras. 27–30.

<sup>45</sup> COFAVIC, Information on human rights violations between January–September 2023, received by the Commission in November 2023.



association, or for working in the defense of human rights, in States where the justice system is not independent.

49. In 2023, the Commission continued to observe that the justice system in Venezuela was being used to persecute and detain actual or perceived opponents to the government, due to the absence of the Rule of Law and the co-opting of the judiciary by the executive branch. According to Foro Penal, as of November 2023, there were 272 political prisoners, out of which 18 were women and 146 members of the military.<sup>46</sup> It is particularly concerning that 135 out of the 272 political prisoners have not been convicted, which shows an abuse of pre-trial detention and a lack of compliance with judicial guarantees.<sup>47</sup>

50. The Independent International Mission documented 58 arbitrary detentions between 2020 and 2023, out of which at least 53 had taken place in the context of selective repression against actual or perceived opponents to the government. This was the case of union leaders, human rights defenders, members of civil society organizations, members of the opposition, teachers and others who had expressed their complaints against the government, including labor demands.<sup>48</sup> Likewise, the COFAVIC recorded 413 alleged arbitrary detentions between January and September 2023,<sup>49</sup> thus reaching a total of 15,700 cases since 2014.<sup>50</sup>

51. The Commission urges Venezuela to release all the persons who have been deprived of liberty for political reasons and to ensure that all the guarantees of the right to defense and due process enshrined in international human rights instruments are respected.

### **Torture and other cruel, inhuman or degrading treatment**

52. Individuals who are deprived of liberty for political reasons receive differentiated treatment based on the grounds for their arrest, which has an impact on their detention conditions and increases the risk of torture and other cruel, inhuman or degrading treatment.<sup>51</sup> In general, these persons are held in the General Directorate of Military Counterintelligence; El Helicoide, a building that belongs to the Bolivarian National Intelligence Service (SEBIN); and the National Institute for Feminine Orientation (INOF). The information received by the Commission in 2023 included reports of at least 160 complaints of torture of political prisoners under the custody of the State between 2017 and 2020.<sup>52</sup>

53. The Commission held a hearing in 2023 to follow up on the precautionary measures granted to victims of torture deprived of their liberty in 2017 and 2018. On that occasion, members of the beneficiaries' families informed that the precautionary measures had not been implemented and that their relatives still suffered deplorable and unsanitary detention conditions; overcrowding; suffocation due to lack of ventilation, and lack of access to essential medical treatment.<sup>53</sup> Furthermore, the Independent International Mission documented cases of denial of sexual and reproductive health services, arbitrary restrictions of family and legal visits, and violations of the rights of breastfeeding mothers and detained women with young children outside of prison.<sup>54</sup>

---

<sup>46</sup> Foro Penal database, accessed on November 11, 2023.

<sup>47</sup> United Nations Human Rights Council, *Report of the Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela*, [A/HRC/54/57](#), September 18, 2023, paras. 36–38.

<sup>48</sup> United Nations Human Rights Council, *Report of the Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela*, [A/HRC/54/57](#), September 18, 2023, para. 33.

<sup>49</sup> COFAVIC, Information on human rights violations between January–September 2023 received by the Commission in November 2023.

<sup>50</sup> Amnesty International, *Life detained: Politically-motivated arbitrary detentions continue in Venezuela*, August 29, 2023.

<sup>51</sup> IACHR, Press Release No. 288/22, “[IACHR Calls for Immediate Release of All Individuals Detained for Political Reasons in the Americas](#),” December 29, 2022.

<sup>52</sup> Information received by the IACHR.

<sup>53</sup> IACHR, 186<sup>th</sup> regular period of sessions, public hearing “[Follow-up of precautionary measures of beneficiaries deprived of their liberty in Venezuela](#),” held on March 6, 2023.

<sup>54</sup> United Nations Human Rights Council, *Report of the Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela*, [A/HRC/54/57](#), September 18, 2023, para. 44.



54. At this hearing, civil society organizations reported that the beneficiaries of these measures still endured physical torture, prolonged isolation periods, lack of communication, depression, suicide attempts, lack of medical care, denial of transfers to medical centers and acts of coercion to induce confession. One of the beneficiaries participated at the hearing via videoconference and reported that prisoners did not receive medical attention and suffered from mental health disorders and severe dehydration. In addition, this beneficiary requested that a commission from the International Committee of the Red Cross be authorized to enter detention centers and verify their conditions, and that the Office of the Prosecutor of the ICC expedite the ongoing investigation into acts of torture in Venezuela.<sup>55</sup>

55. The Independent International Mission underscored in its September 2023 report that, during the 2020-2023 period, the mission had investigated 19 cases of gender-based violence, including sexual violence, against persons who were deprived of liberty and were actual or perceived opponents to the government. These cases involved four men and 15 women, including a transgender woman. Among the acts reported were threats of rape, forced nudity, rapes with blunt objects and degrading insults, such as “bad mothers,” “bitches” or “prostitutes,” among others.<sup>56</sup>

56. According to the Independent International Mission, “these acts were carried out with particular viciousness against real or perceived political opponents,” in particular against women, who were subjected to threats revolving around their children in a disproportionate number of cases compared to men.<sup>57</sup>

57. In addition, the COFAVIC recorded 74 new cases of alleged torture in the context of repression by state agents during the first nine months of the year.<sup>58</sup>

## **B. Situation of freedom of expression<sup>59</sup>**

### **Challenges to journalism and the media**

58. Journalists continue to endure a hostile environment in Venezuela. According to the reports received by the Commission, as in previous years, journalists have suffered threats, intimidation, and legal persecution, as well as seizures of their work equipment and censorship of press material.

59. Acts of harassment and attacks against media facilities and journalist organizations were recorded in 2023. For instance, on January 23, 2023, masked individuals reportedly used Molotov cocktails and stones to attack the headquarters of *Palpitar Trujillano*, a digital media outlet.<sup>60</sup> Subsequently, on May 11, 2023, SEBIN officials allegedly conducted a search and seized equipment from the headquarters of *Mundo Oriental*, a news website. The search had been reportedly ordered in the context of the administrative proceedings relating to the arrest of former Mayor Ernesto Paraqueima.<sup>61</sup>

60. These attacks took place in a context of constant stigmatization of the media by public authorities and political leaders. The following instances can be highlighted as paradigmatic examples of this situation: on January 27, the governor of the state of Trujillo labelled *Diario Los Andes* and journalist Alexander

---

<sup>55</sup> IACHR, 186<sup>th</sup> regular period of sessions, public hearing “[Follow-up of precautionary measures of beneficiaries deprived of their liberty in Venezuela](#),” held on March 6, 2023.

<sup>56</sup> United Nations Human Rights Council, *Report of the Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela*, [A/HRC/54/57](#), September 18, 2023, paras. 45–49.

<sup>57</sup> United Nations Human Rights Council, *Report of the Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela*, [A/HRC/54/57](#), September 18, 2023, paras. 45–49.

<sup>58</sup> COFAVIC, Information on human rights violations between January–September 2023 received by the Commission in November 2023.

<sup>59</sup> This section was prepared by the Office of the Special Rapporteur for Freedom of Expression (SRFOE).

<sup>60</sup> This media outlet reportedly suffered four attacks against its social media accounts in December 2022. *Efecto Cocuyo*, “Atacan con piedras y molotov la sede de un medio digital en Trujillo,” January 23, 2023; *IPYS*, “[Desconocidos atacaron la sede del medio Palpitar Trujillano](#),” January 25, 2023.

<sup>61</sup> *Punto de Corte*, “[SNTP rechaza el allanamiento e incautación de equipos del diario Mundo Oriental en El Tigre](#),” May 9, 2023; Espacio Público, “[Funcionarios del SEBIN allanaron la sede del medio Mundo Oriental en Anzoátegui](#),” May 11, 2023.

González as *palangristas* (recipients of *payola*) and accused them of having participated in a *coup d'état*.<sup>62</sup> The governor attacked the same media outlet and journalist on April 14, stating that they had been involved in alleged acts of corruption.<sup>63</sup> In addition, on February 28, the mayor of the Piar municipality, in the state of Bolívar, accused journalists from different media outlets of “having engaged in media terrorism,” following the coverage of a protest by relatives of patients who had died during the pandemic.<sup>64</sup> In the same vein, Diosdado Cabello, a member of the National Assembly and anchor of *Con el Mazo Dando*, continued with his stigmatizing statements against the press, which were aired on a public television channel in Venezuela.<sup>65</sup>

61. Criminal law continues to be used for intimidation. According to public information, on January 25, a prosecutor from the Office of the Public Prosecutor and a group of officials from the Scientific, Criminal and Criminalistics Investigations Body (CICPC) visited the home of the chief editor of *El Nacional*, a newspaper, and took him to the headquarters of the Office of the Public Prosecutor to take a statement. The summons, which allegedly included four other journalists, was reportedly related to his investigative work.

62. On February 2023, the mayor of the Piar municipality threatened to sue six journalists for their informative work.<sup>66</sup> In May, journalist Sebastiana Barráez reported that she had been threatened with arrest for her coverage of a case of alleged abuse of power committed by a high-ranking government official.<sup>67</sup> Subsequently, in June, the governor of the state of Táchira expressed his intention to sue those who had “unfoundedly” denounced problems in the state for “defamation and libel.” According to available information, the same official had allegedly threatened journalist Sebastiana Barráez and political leaders.<sup>68</sup> On May 5, journalist Gustavo Azocar was summoned by the Office of the Public Prosecutor in the state of Táchira for his posts on his social media accounts.<sup>69</sup>

63. During this year, the Commission followed up on the situation of journalists Roland Carreño, who has been under arrest since October 26, 2020, and Roberto Deniz, who has faced criminal proceedings since October 2021 for the alleged crime of incitement to hatred, linked to his work in the press.<sup>70</sup> Deniz is a beneficiary of precautionary measures.<sup>71</sup>

64. In addition to the aforementioned information, media outlets continued to be closed based on the alleged non-compliance with administrative requirements for radio broadcasting. According to a report published by IPYS Venezuela, the National Telecommunications Commission of Venezuela (CONATEL), the state administrative agency tasked with issuing permits to operate, it is allegedly responsible for this situation. Radio stations are faced with administrative obstacles, as well as a context of “economic strangulation” caused by the lack of economic resources and optimal infrastructure conditions to carry out their transmissions.<sup>72</sup> This

<sup>62</sup> SNTP X account (@sntpvenezuela), [January 27, 2023](#); CEPAZ, [“CEPAZ documentó 187 casos de persecución y criminalización en enero de 2023,”](#) February 24, 2023.

<sup>63</sup> *Diario Los Andes*, [“Piden al Ministerio Público y a la Defensoría del Pueblo cese de ataques del gobernador de Trujillo contra la prensa,”](#) April 24, 2023; IPYS, “Gobernador de Trujillo vuelve a atacar discursivamente a *Diario Los Andes*,” April 18, 2023.

<sup>64</sup> *Efecto Cocuyo*, [“Por qué la alcaldesa de Upata amenazó a periodistas locales,”](#) March 1, 2023; Espacio Público, [“Alcaldesa oficialista amenazó a seis periodistas por cubrir denuncias en Upata,”](#) March 1, 2023.

<sup>65</sup> *Alberto News* X account (@AlbertoRodNews) [February 2, 2023](#); IPYS, [“Diosdado Cabello emitió descalificativos contra Alberto Rodríguez Palencia,”](#) February 6, 2023.

<sup>66</sup> *Efecto Cocuyo*, [“Por qué la alcaldesa de Upata amenazó a periodistas locales,”](#) March 1, 2023; Espacio Público, [“Alcaldesa oficialista amenazó a seis periodistas por cubrir denuncias en Upata,”](#) March 1, 2023.

<sup>67</sup> Sebastiana Barráez X account (@SebastianaB), [May 20, 2023](#); *Efecto Cocuyo*, [“Periodista Sebastiana Barráez denuncia que juez amenazó con detenerla,”](#) May 22, 2023.

<sup>68</sup> *Táchira Noticias* Instagram account (@tachiranoticias), [June 15, 2023](#); Espacio Público, [“Gobernador de Táchira amenaza con demandar a quienes denuncien problemas en la entidad,”](#) June 16, 2023.

<sup>69</sup> *El Carabobo*, [“Periodista Gustavo Azócar fue citado a fiscalía por denuncia formulada a través de redes sociales,”](#) May 5, 2023; *Monitoreamos*, [“El periodista Gustavo Azócar acudió a la Fiscalía tras una denuncia anónima en su contra,”](#) May 5, 2023.

<sup>70</sup> IACHR, 2022 Annual Report. Report of the Office of the Special Rapporteur for Freedom of Expression, OEA/Ser.L/V/II Doc. 50, March 6, 2023, para. 1379.

<sup>71</sup> IACHR, Press Release No. 031/20, “IACHR Grants Precautionary Measures in Favor of Relatives of Journalist Roberto Deniz de Armando,” February 7, 2020.

<sup>72</sup> IPYS, [“Un anárquico paisaje sonoro. Condiciones de la radio en Venezuela para las coberturas electorales,”](#) February 13, 2023.



is the case of *Radio Caracas Radio*, the oldest radio station in the country, which ceased operations permanently in June.<sup>73</sup>

65. According to Espacio Público, radio stations continued to be shut down in 2023. Five stations closed in the states of Portuguesa (2), Táchira (1), Anzoátegui (1) and Bolívar (1) pursuant to orders issued by the CONATEL.<sup>74</sup> In addition, the information provided shows that four programs were cancelled in March of this year: three of them were broadcasted on the radio and the remaining one on social media.<sup>75</sup>

66. The Atlas de Silencio study shows that at least 21 percent of the population lives in “news deserts,” that is, areas in which access to local information is inadequate.<sup>76</sup> This situation is compounded by the deliberate closure of radio stations.<sup>77</sup> Most of the “deserts” are located in small and medium-sized municipalities.<sup>78</sup> The states of Táchira, Zulia and Sucre are reportedly the most affected by the “information drought.”<sup>79</sup> Furthermore, the study warns that precarious infrastructure conditions, border areas and socioeconomic conditions also have an impact on the existence of “news deserts.”<sup>80</sup>

67. Along the same lines, Espacio Público published a report which concluded that “there are at least 13 silenced zones,” referring to 13 states in the country with little or no access to information sources from diverse and independent publishers.<sup>81</sup>

68. The Commission underscores that intimidation and threats against journalists strongly restrict freedom of expression and that it is the duty of the State to prevent and investigate said acts.<sup>82</sup> In this regard, the Commission noted that Carlos Germán Debiais, a graphic reporter, was released on June 6, 2023. Debiais had been under arrest since November 12, 2021, for taking drone shots of the Amuay refinery in the state of Falcón.<sup>83</sup>

69. Finally, the Commission considers that attacks against journalists and media outlets are intended to silence them; therefore, in addition to violating the individual rights of journalists to express and disseminate their ideas, opinion and information, they also affect a society’s right to have free access to information.<sup>84</sup> An independent and critical press is fundamental to ensuring respect for other liberties that form part of a democratic system of government and the Rule of Law.<sup>85</sup>

## Transparency and access to public information

70. Although the Law of Transparency and Access to Information of Public Interest was enacted in September 2021, the Commission observed a context of state opacity in 2023.<sup>86</sup> Espacio Público reported

<sup>73</sup> *Efecto Cocuyo*, “[Radio Caracas Radio cesa definitivamente sus transmisiones.](#)” June 29, 2023; Espacio Público, “[RCR cesa sus transmisiones tras 93 años de labor ininterrumpida.](#)” June 29, 2023.

<sup>74</sup> IPYS, “[Onda 97.3 FM en Puerto Ordaz confirmó cierre por parte de Conatel.](#)” June 14, 2023.

<sup>75</sup> Espacio Público, “[Mayo: Crítica bajo acecho.](#)” June 6, 2023.

<sup>76</sup> IPYS, “[Atlas del silencio.](#)” June 8, 2023.

<sup>77</sup> IPYS, “[Atlas del silencio.](#)” June 8, 2023.

<sup>78</sup> IPYS, “[Atlas del silencio.](#)” June 08, 2023.

<sup>79</sup> IPYS, “[Atlas del silencio.](#)” June 08, 2023.

<sup>80</sup> IPYS, “[Atlas del silencio.](#)” June 08, 2023.

<sup>81</sup> Espacio Público, “[Zonas silenciadas: 13 estados de Venezuela.](#)” May 3, 2023.

<sup>82</sup> IACHR, Declaration of Principles on Freedom of Expression, 2000.

<sup>83</sup> *Tal Cual*, “[Autoridades excarcelan al reportero gráfico Carlos Debiais.](#)” June 6, 2023; Espacio Público, “[Excarcelan al reportero gráfico Carlos Debiais.](#)” June 7, 2023.

<sup>84</sup> IACHR, *Background and Interpretation of the Declaration of Principles*; IACHR, Office of the Special Rapporteur for Freedom of Expression, *Violence Against Journalists and Media Workers: Inter-American Standards and National Practices on Prevention, Protection and Prosecution of Perpetrators*, 2013, OEA/Ser.L/V/II.

<sup>85</sup> IACHR, *Background and Interpretation of the Declaration of Principles*; IACHR, *Report on the Situation of Human Rights in Mexico*, OEA/Ser.L/V/II.100 Doc 7 rev.1, September 24, 1998, para. 649.

<sup>86</sup> IACHR, 2022 Annual Report. *Report of the Office of the Special Rapporteur for Freedom of Expression*, OEA/Ser.L/V/II Doc. 50, March 6, 2023, para 1386.



that 28 requests for information had been submitted to state bodies, out of which three had been rejected straightforwardly without legal justification and the rest had not been answered.<sup>87</sup>

71. The Commission reiterates that access to information held by the State is a fundamental right of every individual, and that States have the obligation to guarantee the full exercise of this right. This principle allows only exceptional limitations that must be previously established by law in case of a real and imminent danger that threatens national security in democratic societies.<sup>88</sup> The State's actions should be governed by the principles of disclosure and transparency in public administration that enable all persons subject to its jurisdiction to exercise the democratic control of those actions.<sup>89</sup>

### Restrictions on the freedom of expression and association of human rights defenders and organizations

72. In 2023, the Commission received information about alleged monitoring and surveillance actions by state agents against union leaders and members of the National Trade Union Coalition of Workers (CSNT). These actions were reportedly related to the demonstrations that had been called for and held in different parts of the country to protest against an instruction issued by the National Budget Office (ONAPRE) and to demand better working conditions.<sup>90</sup>

73. The Commission granted precautionary measures in favor of seven CSNT members on April 1, 2023, because it considered that they were at serious and imminent risk of suffering violations of their rights to life and integrity, and requested the State to adopt the necessary protection measures so that the beneficiaries could continue to carry out their union leadership activities without being subject to threats, intimidation, harassment or acts of violence.<sup>91</sup> In addition, in May, Diosdado Cabello, a member of the National Assembly, used TV show *Con El Mazo Dando*, which is broadcasted by the state channel, to attack 10 civil society organizations by questioning their actions and international funding.<sup>92</sup>

74. In this context, the Commission highlights the arrest of Javier Tarazona, a human rights defender and director of Fundaredes, who, as of July 2023, had been imprisoned for two years while suffering from health conditions.<sup>93</sup> Tarazona has been a beneficiary of precautionary measures granted by the Commission since June 18, 2020. In 2023, the Supreme Court of Justice revoked the jurisdiction of the Third Court of Caracas that hears cases involving terrorism. According to media reports, this was detrimental to the case of Mr. Tarazona.<sup>94</sup>

75. In view of the above, the Commission reiterates that human rights defenders play a fundamental role in the consolidation of both a democratic society and the Rule of Law, therefore the State has the obligation to guarantee an enabling environment for their work.<sup>95</sup> In addition, the Commission recalls that

<sup>87</sup> Espacio Público, "[Situación general del derecho al acceso a la información pública: enero-junio 2023](#)," July 10, 2023.

<sup>88</sup> IACHR, Declaration of Principles on Freedom of Expression, 2000.

<sup>89</sup> IACHR Court, *Claude Reyes et al. v. Chile*. Merits, reparations and costs. Judgment of September 19, 2006, Series C No. 151, para. 86.

<sup>90</sup> IACHR, [Resolution 15/2023](#), Precautionary Measure No. 66-23, Carlos Eduardo Salazar Ojeda *et al.* (Trade Union Leaders of the Civil Society Organization National Trade Union Coalition of Workers) regarding Venezuela, April 1, 2023.

<sup>91</sup> IACHR, [Resolution 15/2023](#), Precautionary Measure No. 66-23, Carlos Eduardo Salazar Ojeda *et al.* (Trade Union Leaders of the Civil Society Organization National Trade Union Coalition of Workers) regarding Venezuela, April 1, 2023.

<sup>92</sup> Centro de Justicia y Paz, [Monitoreo de persecución y criminalización en Venezuela](#), May 2023; CDJ, [Situation of human rights defenders in Venezuela, First semester of 2023](#), July 2023.

<sup>93</sup> UN News, "[Venezuela debe garantizar unas elecciones transparentes e inclusivas](#)," July 5, 2023; Acceso a la Justicia, "Cronología del caso de la ONG Fundaredes," July 3, 2023.

<sup>94</sup> *Efecto Cocuyo*, "[Juicios de presos políticos como Roland Carreño, Javier Tarazona y Darío Estrada comenzarán de cero](#)," July 15, 2023; Transparencia Venezuela, "[TSJ despoja a Juzgado Penal de Caracas de Competencias sobre Terrorismo](#)," July 18, 2023.

<sup>95</sup> United Nations, *Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association* [A/74/349](#), September 11, 2019, para. 25; United Nations Human Rights Council, *Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association*, Maina Kiai [A/HRC/20/27](#), May 21, 2012, paras. 12 and 13.

the freedom of association is an essential tool for human rights defenders to be able to perform their work fully and comprehensively.<sup>96</sup>

### The “Anti-Hate Law” as a tool to criminalize public interest speech

76. During this year, criminal law offenses, such as “incitement to hatred” and “boycott,” among others, were defined in broad and ambiguous terms, used as an instrument to intimidate, and punish those who criticize the government. A cardiologist was arrested on June 14 in Valera, a city in the state of Trujillo, under alleged charges of boycott and treason to the homeland, among others, after she had reported irregularities in the fuel supply for a gas station allegedly owned by her family.<sup>97</sup>

77. The Attorney General informed on June 18 and June 20 that two farmers had been arrested in the state of Mérida under boycott charges.<sup>98</sup> According to the information received, these individuals had been arrested for posting videos on social media in which they could be seen discarding their crops and throwing them into a river as a protest over the shortage of fuel they needed to transport and market their products.<sup>99</sup> Both persons were subsequently released.<sup>100</sup>

78. In addition, the Anti-Hate Law continues to be used to censor individuals and even public officials. Servando Marín, a columnist of the website *Aporrea*, was arrested on May 1 by state agents in Cumaná, a city in the state of Sucre, under charges of incitement to hatred after he had allegedly expressed critical opinions on environmental and architectural affairs.<sup>101</sup> The co-founder of *Aporrea* reported on May 7 that Mr. Marín had been conditionally released under the obligation to appear periodically before the court.<sup>102</sup> The Attorney General announced on May 4 that an arrest warrant had been issued against Ernesto Paraqueima, the former mayor of the municipality of El Tigre, in the state of Anzoátegui, for incitement to hatred. This action was taken after the official had made several comments against a mural that had been painted in his town to raise awareness about autism spectrum disorder.<sup>103</sup>

79. Since 2017, the Commission has called for the Anti-Hate Law to be repealed on the grounds that it is contrary to international standards on freedom of expression.<sup>104</sup> Restrictions imposed by this law severely impact the exercise of the right to freedom of expression in Venezuela, which is against the principles of a democratic society. In particular, the Commission notes that this legislation includes vague concepts and exorbitant penalties that are subject to no statute of limitations in order to criminalize statements on matters of public interest; it imposes burdensome obligations on all media outlets, including the suppression and

<sup>96</sup> IACHR, *Second Report on the Situation of Human Rights Defenders in the Americas* OEA/Ser.L/V/II, December 31, 2011, paras. 157 and 163; IACHR Court, Baena Ricardo *et al.* v. Panama. Merits, reparations and costs. Judgment of February 2, 2001, Series C No. 72, para. 158.

<sup>97</sup> *Efecto Cocuyo*, “[Trujillanos exigen libertad para médica Mariana Barreto, detenida por denunciar irregularidades en gasolinera](#),” June 18, 2023; Espacio Público, “[Detienen a ciudadana que denunció irregularidades con combustible en Trujillo](#),” June 20, 2023.

<sup>98</sup> Attorney General of Venezuela X account (@TarekWilliamSaab), [June 19, 2023](#); *Finanzas Digital*, “[Agricultor de Trujillo será imputado por el Ministerio Público tras ‘destruir una gran cantidad de alimentos’](#),” June 20, 2023.

<sup>99</sup> Transparencia Venezuela, “[¿Cuál es el delito cometido por los agricultores detenidos?](#),” June 20, 2023; Human Rights Observatory of the University of Los Andes (ULA), “[Estado venezolano viola derechos humanos de agricultores, incluido su derecho al trabajo](#),” June 25, 2023.

<sup>100</sup> *Infobae*, “[Liberan dos agricultores venezolanos detenidos por protestar por la falta de gasolina](#),” June 21, 2023; Espacio Público X account (@espaciopublico), [June 21, 2023](#).

<sup>101</sup> Espacio Público, “[Detienen y excarcelan a arquitecto Servando Marín por opinar y denunciar irregularidades](#),” May 8, 2023; *Aporrea*, “[Encarcelan a Servando Marín Lista, Presidente de la Fundación Ramón Badaracco y columnista de Aporrea](#),” June 6, 2023.

<sup>102</sup> Gonzalo Gómez Freire X account (@GonzaloAporrea), [May 7, 2023](#).

<sup>103</sup> Office of the Public Prosecutor of Venezuela X account (@MinpublicoVEN), [May 4, 2023](#), May 4, 2023; *Runrunes*, “[Alcalde de El Tigre violó ley para atención de personas dentro del espectro autista al ofender a niños con Asperger](#),” May 3, 2023.

<sup>104</sup> IACHR Office of the Special Rapporteur for Freedom of Expression, Press Release No. R179/17, “[Office Of The Special Rapporteur For Freedom Of Expression Expresses Serious Concern Over The Enactment Of The ‘Anti-Hate Law’ In Venezuela And Its Effects On Freedom Of Expression And Freedom Of The Press](#),” November 10, 2017; IACHR Office of the Special Rapporteur for Freedom of Expression, Press Release No. R169/22, “[SRFOE condemns the increase of censorship in Venezuela and reaffirms its support and commitment to the full enjoyment of press freedom in the country](#),” July 29, 2022.



deletion of information of public interest; and it grants broad power to the State to use media outlets and impose content.<sup>105</sup> The OHCHR has also expressed its concerns over the consequences of this law.<sup>106</sup>

### Social protest

80. During 2023, the Commission received reports on the disproportionate use of public force to disperse protests. According to the Venezuelan Observatory of Social Conflict, 3,900 peaceful demonstrations took place in the country during the first five months of 2023, out of which 86 percent had been triggered by demands for economic, social, cultural and environmental rights. The remaining demonstrations had been reportedly organized by unions and their leaders who protested for their labor rights, especially for their right to receive fair wages.<sup>107</sup> The Venezuelan Education Action Program on Human Rights (PROVEA) reported that 18 workers of the Venezuelan Corporation of Guayana had been detained and prosecuted in January for demanding better working conditions.<sup>108</sup>

81. On June 10, workers Juan Cabrera, Leonardo Azocar and Daniel Romero were reportedly arrested by officials of the Department of Military Counterintelligence (DGCIM), and the latter two were prosecuted by a court in Caracas under charges of boycott, criminal conspiracy and incitement to hatred, after leading a protest in one of the SIDOR plants.<sup>109</sup> On June 14, it was reported that a trial court with competence over labor matters in the state of Bolívar had granted a precautionary measure requested by the Venezuelan Corporation of Guayana, which allegedly restricted the right to strike and to freedom of expression of 22 SIDOR workers.<sup>110</sup>

82. The Commission reiterates that social protest, which involves the rights to freedom of peaceful and unarmed assembly, freedom of association and freedom of expression, is an essential tool for the defense of democracy and human rights. Therefore, the State has the obligation to respect, protect and guarantee these rights.<sup>111</sup> With regard to the obligation to protect and facilitate said rights, the Commission states that the application of criminal law to conducts related with the exercise of protests constitutes a serious restriction with far-reaching consequences for freedom of expression, as well as the rights of assembly, association and political participation.<sup>112</sup>

### Freedom of online expression

83. The reported incidents include the hacking of the Facebook page of *El Tubazo Digital* on January 6. This outlet, which reports news in the state of Guárico and in Venezuela, was forced to create a new

---

<sup>105</sup> IACHR Office of the Special Rapporteur for Freedom of Expression, Press Release No. R179/17, [“Office Of The Special Rapporteur For Freedom Of Expression Expresses Serious Concern Over The Enactment Of The ‘Anti-Hate Law’ In Venezuela And Its Effects On Freedom Of Expression And Freedom Of The Press,”](#) November 10, 2017.

<sup>106</sup> OHCHR, *Situation of human rights in the Bolivarian Republic of Venezuela*. Report of the United Nations High Commissioner for Human Rights [A/HRC/53/54](#), July 4, 2023, para. 65.

<sup>107</sup> Venezuelan Observatory of Social Conflict, [“Situation of the civic space in Venezuela,”](#) side event to the 53<sup>rd</sup> session of the United Nations Human Rights Council, June 28, 2023.

<sup>108</sup> Venezuelan Education Action Program on Human Rights, [“Represión y detenciones arbitrarias: el saldo de seis días de protesta en SIDOR,”](#) June 13, 2023.

<sup>109</sup> Venezuelan Education Action Program on Human Rights, [“Represión y detenciones arbitrarias: el saldo de seis días de protesta en SIDOR,”](#) June 13, 2023; Espacio Público, [“Tribunal de Primera Instancia criminaliza la protesta de 22 trabajadores de Sidor,”](#) June 14, 2023.

<sup>110</sup> Espacio Público, [“Tribunal de Primera Instancia criminaliza la protesta de 22 trabajadores de Sidor,”](#) June 14, 2023; Venezuelan Education Action Program on Human Rights, [“Represión y detenciones arbitrarias: el saldo de seis días de protesta en SIDOR,”](#) June 13, 2023.

<sup>111</sup> IACHR Office of the Special Rapporteur for Freedom of Expression, [Protest and Human Rights](#), OEA/Ser.L/V/II CIDH/RELE/INF.22/19, September 2019, foreword and paras. 1-46.

<sup>112</sup> IACHR Office of the Special Rapporteur for Freedom of Expression, [Protest and Human Rights](#), OEA/Ser.L/V/II CIDH/RELE/INF.22/19, September 2019, foreword and para. 185.

Facebook profile since it was reportedly impossible to recover its page.<sup>113</sup> In addition, journalist Luis Olavarrieta reported on June 14 that his YouTube channel had been hacked.<sup>114</sup>

84. In addition, media outlets indicated that they had been impersonated online.<sup>115</sup> This is the case of *Diario Panorama*, which reported that third parties had impersonated them and posted information on their website.<sup>116</sup> Likewise, the visual identity and name of *Alertas 24*, an online media outlet, were used to disseminate false information.<sup>117</sup> On May 15, Joel Dullroy and Laura Clisánchez, journalists from the newspaper *Correo del Caroní*, denounced that their names and images had been used in false emails to ask for money.<sup>118</sup>

85. Furthermore, the internet infrastructure in Venezuela remains deficient, which is a consequence of the socioeconomic crisis in the country. VE Sin Filtro, an internet observatory, reported several cases of internet connection downtime in several regions of the country, with different durations.<sup>119</sup> In addition, high internet access costs have been a trend across the country.<sup>120</sup> In this context, the country faces a considerable digital divide, considering that, by March 2023, more than half (50.6 percent) of the individuals surveyed by the Venezuelan Observatory of Public Utilities (OVSP) in 12 Venezuelan cities declared that they had no internet service at home.<sup>121</sup>

86. In addition, the Commission continued to receive reports according to which news websites perceived as opponents of the government, including websites of media outlets and civil society organizations, had been blocked.<sup>122</sup> The VE Sin Filtro Observatory reported that, as of March 12, 2023, 97 blocked domains remained blocked by the Telephones of Venezuela National Public Company (CANTV), as well as by different private service providers, such as Digitel, Inter, NetUno and Movistar, out of which 62 reportedly belonged to media websites.<sup>123</sup> These numbers reportedly amounted to “the near-total blocking of the news outlets reporting critical news in Venezuela.”<sup>124</sup>

87. Four new blocking incidents against websites belonging to news media and organizations, such as media outlets *El Diario*<sup>125</sup> and *Mundo Oriental*,<sup>126</sup> the Finance Observatory<sup>127</sup> and the Living Wage for Venezuela initiative of the Venezuelan Union Network,<sup>128</sup> were reported during 2023. As of June 20, CANTV, a State-owned company, was still the operator with the highest number of restricted domains, using

<sup>113</sup> IPYS, “[Hackean página de Facebook de El Tubazo Digital](#),” January 19, 2023.

<sup>114</sup> *Nueva Prensa Digital*, “[Luis Olavarrieta informó que su canal de Youtube fue hackeado](#),” June 14, 2023; *La Verdad de Monagas*, “[Hackean el canal de Youtube del periodista Luis Olavarrieta](#),” June 14, 2023.

<sup>115</sup> IPYS, “[Desconocidos suplantaron la identidad de El Pitazo para pedir información a lectores](#),” June 7, 2023.

<sup>116</sup> *Diario Panorama* Instagram account (@diariopanorama), [May 3, 2023](#); IPYS, “[Diario Panorama denunció suplantación de identidad en su dominio web](#),” May 16, 2023.

<sup>117</sup> IPYS, “[Suplantan identidad de medio digital para difundir información falsa](#),” April 26, 2023.

<sup>118</sup> IPYS, “[Dos periodistas fueron objeto de suplantación de identidad en plataformas digitales](#),” May 18, 2023; Espacio Público, “[Periodista Laura Clisánchez alerta que está siendo acusada de extorsión por una cuenta anónima](#),” June 22, 2023.

<sup>119</sup> Venezuela Sin Filtro X account (@Vesinfiltro), [February 8, 2023](#); [February 15, 2023](#); [February 23, 2023](#); [February 28, 2023](#); [March 1, 2023](#); [March 8, 2023](#); [March 17, 2023](#); [March 22, 2023](#); [March 27, 2023](#); [April 13, 2023](#); [April 21, 2023](#); [April 24, 2023](#); [May 8, 2023](#); [May 11, 2023](#); [June 28, 2023](#).

<sup>120</sup> *Finanzas Digital*, “[Consulte las tarifas de los planes de ABA de CANTV para julio de 2023](#),” July 10, 2023; *Bloomberg Línea*, “[Empresas de telefonía en Venezuela ajustan tarifas mientras enfrentan debilidad en el servicio](#),” July 11, 2023.

<sup>121</sup> Venezuelan Observatory of Public Utilities, “[OVSP: La mitad de los encuestados no cuenta con servicio de internet en el hogar](#),” April 24, 2023.

<sup>122</sup> Espacio Público, [Informe 2022: Situación del derecho a la libertad de expresión e información en Venezuela](#), May 3, 2023; IPYS, [Derechos fuera de línea. Reporte Anual Derechos Digitales 2022](#), May 24, 2023.

<sup>123</sup> Venezuela Sin Filtro X account (@Vesinfiltro), [March 12, 2023](#).

<sup>124</sup> *NTN24*, “[Lo que más se bloquea en Venezuela son páginas web de medios digitales](#),” Andrés Azpúrua, director de la ‘*Ve Sin Filtro*,’ March 13, 2023.

<sup>125</sup> Venezuela Sin Filtro X account (@Vesinfiltro), [May 3, 2023](#); *Efecto Cocuyo*, “[Ve Sin Filtro: Hay 62 medios de comunicación bloqueados en Venezuela](#),” March 12, 2023.

<sup>126</sup> IPYS, “[Cuatro medios de comunicación fueron vulnerados en El Tigre tras detención del exalcalde](#),” May 11, 2023; Espacio Público, “[Mayo: Crítica bajo acecho](#),” June 6, 2023.

<sup>127</sup> Venezuelan Finance Observatory X account (@observafinanzas), [May 8, 2023](#).

<sup>128</sup> Espacio Público, “[Operadoras aplicaron bloqueo DNS a portal web de la Red Sindical Venezolana](#),” May 11, 2023; *Efecto Cocuyo*, “[Ve Sin Filtro registra cuatro bloqueos a sitios informativos en lo que va de mayo](#),” May 17, 2023.



HTTP/HTTPS and DNS blocking as the most frequent methods.<sup>129</sup> Some organizations have claimed that the blocking phenomenon was closely related to misinformation in Venezuela because people, instead of accessing the full news article, only reviewed the headline or summary they received via WhatsApp unless they used tools for circumventing blocking, such as virtual private networks (VPNs).<sup>130</sup>

88. In addition to the blocking incidents, there were complaints about distributed denial-of-service (DDoS) attacks and alleged copyright infringement against news and opinion websites. On May 7, *Aporrea*, a news website, reported that it had suffered a DDoS attack, which allegedly recurred on May 8.<sup>131</sup> It was recorded that media outlets *El Nacional* and *Qué Pasa en Venezuela* had faced obstacles to remain online due to alleged copyright infringement. The websites of these outlets were restricted between May 4 and 6 for more than 13 and 26 hours, respectively, following plagiarism complaints related to a report they had published on the export of Venezuelan gas to Colombia. According to the information available, the requests for removal of the report due to copyright issues were addressed to the companies that hosted the servers of those websites.<sup>132</sup>

89. There is consensus in international human rights law about the fundamental role that access to the internet plays for the effectiveness of a wide range of human rights, including the freedom of expression, freedom of association and freedom of assembly, the right to participate in social, cultural and political life, the rights to health, education and work, among others.<sup>133</sup> In this regard, the Commission recalls that, as part of the positive obligation to promote and facilitate the enjoyment of human rights, States should take all measures within their power to ensure that all individuals have meaningful access to the Internet. In addition, as part of the obligation to respect, authorities should refrain from interfering with internet access and digital communications platforms unless said interfering is in full compliance with the requirements of the applicable human rights instruments.<sup>134</sup>

### Restrictions on academic freedom

90. Finally, according to the information received, university autonomy in Venezuela continued to face significant challenges, including budget restrictions, attacks and interventions in university facilities, limited opportunities for students to participate in the development of public policies impacting them, as well as harassment, arrests and an environment of indirect pressure that stands in the way of full academic freedom in the conduct of research.<sup>135</sup>

91. For instance, on January 27, María Fernanda Rodríguez, a human rights defender and university professor, was arrested at the Universidad Metropolitana in Caracas a day after having participated as a representative of civil society organizations in a meeting with the United Nations High Commissioner for Human Rights, Volker Türk, during his visit to Venezuela. The professor was subsequently released.<sup>136</sup>

92. Within this adverse context, information showing a steep decline in both the number of university professors and students was published in 2023. According to estimations, approximately 3,500

<sup>129</sup> Venezuela Sin Filtro X account (@Vesinfiltro), [June 20, 2023](#).

<sup>130</sup> NTN24, “[‘Lo que más se bloquea en Venezuela son páginas web de medios digitales.’ Andrés Azpúrua, director de la ‘Ve Sin Filtro.’](#)” March 13, 2023; Center for International Media Assistance, “[Digital rights and democracy: online censorship in Venezuela.](#)” March 24, 2022.

<sup>131</sup> *Aporrea* X account (@aporrea), [May 7, 2023](#); Espacio Público, “[Portal de Aporrea sufrió un ataque DDoS.](#)” May 9, 2023.

<sup>132</sup> IPYS, “[Portales de El Nacional y Qué Pasa en Venezuela fueron limitados tras falsa denuncia por plagio.](#)” May 17, 2023.

<sup>133</sup> United Nations Human Rights Council, Resolution 47/16, The promotion, protection and enjoyment of human rights on the Internet [A/HRC/RES/47/16](#), July 26, 2021; UN, OSCE, OAS and ACHPR, Joint Declaration on Freedom of Expression and the Internet, June 1, 2011.

<sup>134</sup> OHCHR, *Internet shutdowns: trends, causes, legal implications and impacts on a range of human rights*. Report of the Office of the United Nations High Commissioner for Human Rights [A/HRC/50/55](#), May 13, 2022, para. 8.

<sup>135</sup> Human Rights Observatory of the University of Los Andes, [Monthly reports on the situation of universities in Venezuela](#), 2023.

<sup>136</sup> Human Rights Observatory of the University of Los Andes, [Situación de las Universidades en Venezuela](#), January 2023; *El Nacional*, “[Liberaron a la defensora de derechos humanos María Fernanda Rodríguez.](#)” January 27, 2023.

professors resigned from their positions in 2022, specifically at the Universidad Central de Venezuela.<sup>137</sup> In addition, the enrollment rate at that university decreased by 54.23 percent between 2016 and 2022.<sup>138</sup> This situation also had a significant impact on the country's contribution to the overall academic research activities conducted in Latin America and the Caribbean, which have decreased significantly, from 4.7 percent in 1996 to less than 0.6 percent in 2023.<sup>139</sup>

93. The Commission highlights the paramount role that universities play as centers that foster critical thinking and the exchange of ideas. At the same time, the Commission underscores the close relationship between academic freedom and the construction and consolidation of a democratic society.<sup>140</sup> The State of Venezuela must respect and guarantee university autonomy. In particular, the Commission stresses that any interference with academic freedom must meet the requirements of legality, legitimate aim, suitability, necessity and proportionality in accordance with the precepts of a democratic society.<sup>141</sup> In addition, the State has the obligation to prevent and investigate all acts of intimidation, assault, harassment or threats against individuals because of their participation in the academic community.<sup>142</sup>

### C. Situation of economic, social, cultural and environmental Rights (ESCERs)<sup>143</sup>

94. Within the framework of a complex, serious and multidimensional humanitarian crisis, Venezuela continued to experience high rates of poverty, inequality and food insecurity, in addition to a collapse of the healthcare system and significant limitations to guarantee economic, social, cultural and environmental rights. According to the information available, most of the protests in the country this year were related to demands to guarantee these rights.<sup>144</sup>

#### Decrease in poverty and increase in inequality

95. With regard to the statistics on poverty in the country, the 2022 National Living Conditions Survey (ENCOVI) found that 50.5 percent of households lived under the poverty line, which constituted a 15-percent decrease against 2021 and the first decline in the poverty rate since 2014. Nevertheless, the data shows that inequality in the country has worsened in parallel to this improvement. In addition, poverty has worsened across the country.<sup>145</sup>

96. Hum Venezuela informed that poverty continues to be a widespread problem in the country and that the income of most households was insufficient to cover their essential needs. In this regard, according to a community survey performed between July and August 2023, low income was the main problem of 86.3 percent of the households surveyed, and 56.5 percent were most concerned about the lack of livelihood, considering that the estimated price of the consumer basket in August was 372 US dollars, while the average monthly household income was only 102.5 US dollars per month in the 20 states of the country where the survey was conducted.<sup>146</sup>

<sup>137</sup> *The Conversation*, "[Venezuela: sin recursos, sin profesores y sin alumnos, las universidades públicas luchan por sobrevivir.](#)" July 6, 2023.

<sup>138</sup> *Últimas Noticias*, "[En 54.23% cayó matrícula estudiantil de la UCV.](#)" April 26, 2023.

<sup>139</sup> *The Conversation*, "[Venezuela: sin recursos, sin profesores y sin alumnos, las universidades públicas luchan por sobrevivir.](#)" July 6, 2023.

<sup>140</sup> IACHR, [Inter-American Principles on Academic Freedom and University Autonomy](#), 2021.

<sup>141</sup> IACHR, [Inter-American Principles on Academic Freedom and University Autonomy](#), 2021.

<sup>142</sup> IACHR, [Inter-American Principles on Academic Freedom and University Autonomy](#), 2021.

<sup>143</sup> This section was prepared by the Office of the Special Rapporteur on Economic, Social, Cultural and Environmental Rights.

<sup>144</sup> Venezuelan Observatory of Social Conflict, "[Conflicto social en Venezuela en agosto 2023.](#)" September 2023.

<sup>145</sup> Universidad Católica Andrés Bello (UCAB) Economic and Social Research Institute, [Condiciones de vida de los venezolanos. ENCOVI 2022](#), November 2022; Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela, [El aparato estatal, sus mecanismos de represión y las restricciones al espacio cívico y democrático](#) A/HRC/54/CRP.8, September 18, 2023.

<sup>146</sup> Hum Venezuela, [Community Diagnostics, July-August 2023](#), October 2023, p. 2.



97. Therefore, although Venezuela left behind the hyperinflation cycle<sup>147</sup> and experienced economic growth in 2022, the economy contracted by 8.5 percent during the first semester of 2023.<sup>148</sup> As a result, no improvement was observed in the quality of life of the population,<sup>149</sup> and households remain largely dependent on state aid, although insufficient.<sup>150</sup>

### Deficiencies of the healthcare system

98. In this complex scenario, millions of individuals are unable to access adequate health care and face food insecurity.<sup>151</sup> According to the information available, the country continues to be mired in the collapse of its healthcare system, characterized by persistent shortages and deficiencies in the supply of medicines, supplies, equipment and medical treatments. In addition, it was observed that healthcare workers work under precarious conditions and that numerous medical devices and medical centers were out of service.<sup>152</sup>

99. In this regard, the public health system responsiveness was found to be dramatically lower, with an estimate loss of 70 percent of its capacity since 2016.<sup>153</sup> In addition, it was reported that 82.2 percent of healthcare centers have structural and operational deficiencies, out of which 50.1 percent are severe.<sup>154</sup> In parallel, according to estimations, 90 percent of public laboratories are inoperative.<sup>155</sup> The shortage of operating room supplies in public hospitals has reached 72 percent.<sup>156</sup> As of August 2023, the shortage of medications stood at 26.3 percent, with diabetes (31.7 percent), seizures (31.9 percent) and acute respiratory infections (32.6 percent) being the three main causes of morbidity with the highest medication shortage rates.<sup>157</sup>

100. This has resulted in approximately 9.3 million people living with chronic medical conditions and facing the possibility of not being able to receive their treatment due to medication and supply shortages.<sup>158</sup> As of August 2023, 88.9 percent of households reported inoperative services in public health centers due to their inability to provide care, reduced and limited opening hours, or services shutdown. This impacted the services provided by means of assistance program Barrio Adentro (97.8 percent), community clinics (97.3 percent), comprehensive care centers (90.1 percent), outpatient treatment centers (87.8 percent) and hospitals (74.3 percent).<sup>159</sup>

101. In addition, the current crisis sparked the resurgence of preventable and infectious diseases.<sup>160</sup> This situation was compounded by the opacity of information and the lack of transparency of the

<sup>147</sup> DW, "Venezuela: la mayor tasa mundial de inflación en alimentos," September 6, 2023.

<sup>148</sup> Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela, [El aparato estatal, sus mecanismos de represión y las restricciones al espacio cívico y democrático](#) A/HRC/54/CRP.8, September 18, 2023, para. 48.

<sup>149</sup> Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela, [El aparato estatal, sus mecanismos de represión y las restricciones al espacio cívico y democrático](#) A/HRC/54/CRP.8, September 18, 2023; *New York Times*, "Ferrari, Prada y hambre: la visión socialista de Venezuela se tambalea," March 21, 2023.

<sup>150</sup> Hum Venezuela, *Community Diagnostics, July-August 2023*, October 2023, p. 2.

<sup>151</sup> Human Rights Watch (HRW), "Venezuela. Events of 2022," 2023.

<sup>152</sup> IACHR, [Resolution 11/2022, Precautionary Measure No. 150-19, Concepción Palacios Maternity Hospital regarding Venezuela \(Follow-up\)](#), February 27, 2022; REDESCA, *V Annual Report of the Office of the Special Rapporteur on Economic, Social, Cultural and Environmental Rights (REDESCA) of the Inter-American Commission on Human Rights (IACHR)*, 2021, para. 1579.

<sup>153</sup> *El País*, "La salud pública en Venezuela redujo en 70% su capacidad de respuesta desde 2016," May 15, 2023.

<sup>154</sup> Hum Venezuela, *Community Diagnostics, July-August 2023*, October 2023, p. 9.

<sup>155</sup> *El Nacional*, "90% de los laboratorios públicos del país están inoperativos," June 16, 2023.

<sup>156</sup> *Voz de América*, "La odisea de parir en un hospital público en Venezuela," May 22, 2023.

<sup>157</sup> Convite, "Boletín 73: Agosto 2023 cierra con 26.3% de escasez de medicinas para las morbilidades que monitorea Convite," September 28, 2023.

<sup>158</sup> *El País*, "La salud pública en Venezuela redujo en 70% su capacidad de respuesta desde 2016," May 15, 2023.

<sup>159</sup> Hum Venezuela, *Community Diagnostics, July-August 2023*, October 2023, p. 6.

<sup>160</sup> HRW, "Venezuela. Events of 2022," 2023.

State, which has not published the annual epidemiological bulletin for more than seven years.<sup>161</sup> In this context, the Commission notes that the State has not complied with the precautionary measures granted to patients in the Maternity Hospital Concepción Palacios and to children waiting for transplants and services at the J. M. de los Ríos Hospital.<sup>162</sup> The collapse of these hospitals resulted in the death of at least 79 children who were awaiting transplants in the nephrology department over the last six years, while 14 adolescents and 25 children are still awaiting a response from the hematology department.<sup>163</sup>

102. Deprivation in access to the right to health also arise from the fact that the basic and social determinants of health are not guaranteed. According to estimations, during 2022, at least 6.5 million persons were not able to purchase enough food to cover basic daily food energy needs for at least one year.<sup>164</sup> In addition, 12.3 million Venezuelans faced food insecurity in 2023.<sup>165</sup> This problem was compounded by the fact that, as of July 2023, Venezuela was ranked first within the 10 countries with the highest nominal inflation rate for food in the world, reaching 414 percent.<sup>166</sup>

### Deficiencies in access to basic services

103. Similarly, the country faced significant problems to meet the basic needs of a large portion of its population. Power supply deficiencies not only had a negative impact on the quality of life of the population in general, but also caused the death of patients in several medical centers, according to the information available. In particular, Médicos por la Salud reported that, only in 2022, 261 persons had lost their lives due to power outages in hospitals.<sup>167</sup>

104. In addition, the population faced growing challenges to access water and sanitation since the water supply is not continuous, and the quality of water has deteriorated. According to estimations, between 80 and 90 percent of the population has no access to water due to problems in its distribution and the condition of water basins in the country.<sup>168</sup> According to the information available as of August 2023, approximately 74.3 percent of households had no regular access to water, including 18.1 percent of households with no access to aqueducts, 10.6 percent suffering occasional failures and 45.8 percent experiencing frequent failures.<sup>169</sup>

### Precarious working conditions

105. Furthermore, with regard to labor and trade union rights, the Commission noted that most of the persons who are employed are not able to enjoy a decent life due to low wages and precarious working conditions, especially in the public sector. According to the Venezuelan Observatory of Social Conflict (OVCS), as of August 2023, their labor rights were still the main cause for peaceful demonstrations, representing 40 percent of the claims.<sup>170</sup>

<sup>161</sup> *Efecto Cocuyo*, “[Enfermedades crónicas se agravaron en Venezuela en dos años de pandemia](#),” March 17, 2022.

<sup>162</sup> Provea, “[Los niños del Hospital J. M. de los Ríos ‘siguen muriendo’ y se mantienen a la espera de que garanticen sus derechos](#),” July 9, 2023; *Efecto Cocuyo*, “[Bancos de leche y lactarios disminuyen sus servicios en Caracas](#),” August 15, 2023; *Costa del Sol*, “[Parir en Venezuela, ‘Una vecina me quitó los puntos de la cesárea’](#), 18 de julio de 2023,” July 18, 2023; IACHR, [2022 Annual Report, Chapter IV.B](#), Venezuela, para. 140. For reference, see: IACHR, Resolution No. 13/19, Precautionary Measure No. 150/19, Maternity Hospital Concepción Palacios regarding Venezuela, Venezuela, March 18, 2019; IACHR, Resolution No. 43/19, Precautionary Measure No. 1039-17, [Children and adolescents patients in thirteen services of the José Manuel de los Ríos Hospital regarding Venezuela](#), August 21, 2019; IACHR, Resolution No. 11/22, Precautionary Measure No. 150-19, [Maternity Hospital Concepción Palacios regarding Venezuela](#), February 27, 2022.

<sup>163</sup> Provea, “[Los niños del Hospital J. M. de los Ríos ‘siguen muriendo’ y se mantienen a la espera de que garanticen sus derechos](#),” July 9, 2023.

<sup>164</sup> Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela, [El aparato estatal, sus mecanismos de represión y las restricciones al espacio cívico y democrático](#) A/HRC/54/CRP.8, September 18, 2023, para. 50.

<sup>165</sup> *Euronews*, “[Crisis humanitarias de Venezuela y Haití podrían empeorar, dice Comité Internacional de Rescate](#),” January 24, 2023.

<sup>166</sup> *DW*, “[Venezuela: la mayor tasa mundial de inflación en alimentos](#),” September 6, 2023.

<sup>167</sup> *El Nacional*, “[Provea advierte que apagones ponen en riesgo a pacientes hospitalarios](#),” September 17, 2023.

<sup>168</sup> Hum Venezuela, [Community Diagnostics, July-August 2023](#), October 2023, p. 14.

<sup>169</sup> Hum Venezuela, [Community Diagnostics, July-August 2023](#), October 2023, p. 14.

<sup>170</sup> OVCS, “[Conflictividad social en Venezuela en agosto 2023](#),” September 2023.



106. In this regard, the Commission reiterates its deep concern over the complaints involving forced labor in the country, according to which 49 cases of labor exploitation and unsafe conditions were recorded between May and December 2022.<sup>171</sup> Similarly, the Commission has closely monitored the impact of extractive activities in the south part of the country which, in addition to causing deforestation, water contamination and the displacement of indigenous communities, has reportedly resulted in harsh working conditions and in terrible abuses against the population, including amputations, armed attacks and murders, at the hands of groups who control illegal gold mines and who allegedly operate with the acquiescence of the government.<sup>172</sup>

### **Sanctions against sectors and unilateral coercive measures**

107. In this context of democratic backsliding, several countries of the American continent and the European Union have adopted different sanctions in response to the serious and mass human rights violations in Venezuela. On one hand, there are specific sanctions in place aimed at public officials and persons associated with the government and the United Socialist Party of Venezuela (PSUV). On the other, sectoral sanctions have been imposed against industries and sectors.

108. According to the information available, specific sanctions were imposed before sectoral ones. According to the president of the Venezuelan National Assembly, 962 sanctions of different nature were imposed from 2015 to 2023.<sup>173</sup>

109. The information available to the IACHR indicates that the serious economic situation preceded the imposition of sanctions and was caused by different factors. Among these are the fall in oil prices,<sup>174</sup> the policy of privatization and expropriations,<sup>175</sup> poor public management characterized by excessive public spending,<sup>176</sup> widespread corruption,<sup>177</sup> among others;<sup>178</sup> however, it takes note of the findings of the UN special rapporteur on unilateral coercive measures and human rights, who, after visiting the country, pointed out that sectoral sanctions have no normative basis in international law and have worsened the situation of people in a vulnerable situation<sup>179</sup>. For this reason, the IACHR reiterates its call for them to be lifted<sup>180</sup> and highlights that the imposition of sanctions does not exempt the Venezuelan State from fulfilling its international obligations regarding human rights.

## **V. IMPACT ON GROUPS IN VULNERABLE SITUATIONS AND DISCRIMINATION**

110. The dire human rights situation in Venezuela has affected the entire population; however, it has differentiated impacts on those persons who have been subjected to structural and historic discrimination, such as women, boys, girls and adolescents, lesbian, gay, bisexual, trans and intersex (LGBTI) persons, Afro-descendants and indigenous peoples, persons with disabilities, refugees, migrants and persons in need of international protection. For this reason, the Inter-American Commission examines the following elements in relation to these specific groups.

---

<sup>171</sup> Movimiento Vinotinto, "[Movimiento Vinotinto registra 49 casos de trabajo forzoso entre los estados Táchira, Lara y Zulia](#)," March 15, 2023.

<sup>172</sup> HRW, "[Venezuelan Tainted Gold](#)," April 29, 2022; HRW, "Venezuela. Events of 2022," 2023.

<sup>173</sup> National Assembly of Venezuela, "De 962 sanciones contra Venezuela 756 fueron firmadas por Donald Trump," March 9, 2023.

<sup>174</sup> *El País*, "[La caída del precio del petróleo agrava la crisis económica de Venezuela](#)," October 16, 2014.

<sup>175</sup> Acceso a la justicia, "[El trágico legado de las expropiaciones y nacionalizaciones](#)," February 14, 2018.

<sup>176</sup> *Reuters*, "[Venezuela says inflation slows, economy grew 1.6 pct in 2013](#)," December 30, 2013.

<sup>177</sup> Transparencia Venezuela, "[70 por ciento de los gobiernos no establecen controles anti-corrupción en materia de Defensa](#)," February 9, 2013.

<sup>178</sup> *Reuters*, "[Economía venezolana se desacelera en 3er trimestre 2013 y crece sólo 1,1 pct](#)," November 26, 2013.

<sup>179</sup> *UN News*, "[Rapporteur asks the United States and the European Union to lift sanctions on Venezuela due to their devastating effect on the population](#)," February 12, 2021.

<sup>180</sup> IACHR, *2021 Annual Report. Chapter IV.B. Venezuela*, OEA/Ser.L/V/II. Doc. 5, May 26, 2022, para. 166; IACHR, *2021 Annual Report, Chapter IV.B. Venezuela*, OEA/Ser.L/V/II. Doc. 5, May 26, 2022, para. 166.

## Women

111. With regard to the human rights situation of women, the Commission notes that the State adopted minor measures to improve the protection of rights and the access to justice in gender-based violence cases. Among these measures, the Commission notes Resolution No. 98 of the Office of the Public Prosecutor, which expanded the competence of the 95<sup>th</sup> Office of the Public Prosecutor so as to include cases of women trafficking, thus becoming the National Office of the Public Prosecutor Specialized in Women Trafficking;<sup>181</sup> a resolution adopted by the Plenary Chamber of the Supreme Court of Justice which approved the creation of three new courts with competence over crimes involving violence against women in the states of Barinas, La Guaira and Trujillo;<sup>182</sup> and the announcement of the creation of Gran Misión Mujer Venezuela, a governmental body responsible for articulating policies and social programs to promote the development of women in the educational, labor, social and political spheres.<sup>183</sup>

112. In terms of gender equality in public positions, the Commission verified the progress made in achieving equality in the composition of the Supreme Court of Justice, which was presided by a woman in 2023 and whose members were 45 percent female. However, women were still underrepresented in the other branches of the State, such as the National Assembly (31 percent), the national government (27 percent), governorships (8.3 percent) and mayorships (19 percent).<sup>184</sup>

113. With regard to the prevention, investigation and punishment of gender-based violence, the Commission identified challenges related to the implementation of public policies related to the Organic Law on the Right of Women to a Life Free of Violence (LODMVLV), whose reform, published in 2022, represented a step forward in the protection of women in the country.<sup>185</sup> Among these challenges, the Commission highlights the absence of information on the budget allocation necessary for the implementation of the Law,<sup>186</sup> the failure of the State to appoint members to the National Commission to Guarantee the Right of Women to a Life Free from Violence and to make it operational,<sup>187</sup> as well as the insufficient number of shelters for victims of gender-based violence.<sup>188</sup> These challenges were also compounded by the absence of gender equality legislation, the lack of plans or policies to eradicate gender-based violence, the absence of protocols to investigate these cases with a gender perspective and the limited training programs available for public officials.<sup>189</sup>

114. Similarly, there were still no official data and statistics records on gender-based violence against women, which could have been used for the development and implementation of prevention policies.<sup>190</sup>

<sup>181</sup> Office of the Public Prosecutor of Venezuela, Resolution No. 98, January 27, 2023.

<sup>182</sup> *El Universal*, “TSJ aprueba la creación de tres nuevos tribunales en materia de Delitos de Violencia Contra la Mujer en Barinas, La Guaira y Trujillo,” September 27, 2023.

<sup>183</sup> Bolivarian Government of Venezuela, “Gobierno Nacional crea la Gran Misión Mujer Venezuela,” March 8, 2023. This measure was also welcomed by the OHCHR. See: OHCHR, *Situation of human rights in the Bolivarian Republic of Venezuela*. Report of the United Nations High Commissioner for Human Rights A/HRC/53/54, July 4, 2023, para. 30.

<sup>184</sup> Human Rights Committee, Replies of the Bolivarian Republic of Venezuela to the list of issues in relation to its fifth periodic report *CCPR/C/VEN/RQ/5*, June 7, 2023, para. 33; Committee on the Elimination of Discrimination against Women (CEDAW), Concluding observations on the ninth periodic report of the Bolivarian Republic of Venezuela *CEDAW/C/VEN/CO/9*, May 31, 2023, para. 29.

<sup>185</sup> IACHR, *2022 Annual Report. Chapter IV.B. Venezuela*, para. 92.

<sup>186</sup> OHCHR, *Situation of human rights in the Bolivarian Republic of Venezuela*. Report of the United Nations High Commissioner for Human Rights A/HRC/53/54, July 4, 2023, para. 30.

<sup>187</sup> CEDAW, Concluding observations on the ninth periodic report of the Bolivarian Republic of Venezuela *CEDAW/C/VEN/CO/9*, May 31, 2023, para. 17.

<sup>188</sup> CEDAW, Concluding observations on the ninth periodic report of the Bolivarian Republic of Venezuela *CEDAW/C/VEN/CO/9*, May 31, 2023, para. 25; Human Rights Committee, Replies of the Bolivarian Republic of Venezuela to the list of issues in relation to its fifth periodic report, *CCPR/C/VEN/RQ/5*, June 7, 2023, para. 43.

<sup>189</sup> OHCHR, *Situation of human rights in the Bolivarian Republic of Venezuela*. Report of the United Nations High Commissioner for Human Rights A/HRC/53/54, July 4, 2023, para. 30; CEDAW, Concluding observations on the ninth periodic report of the Bolivarian Republic of Venezuela *CEDAW/C/VEN/CO/9*, May 31, 2023, paras. 15 and 25; Amnesty International, *Amnesty International Report 2022/23: The state of the world's human rights*, 2023, pp. 473 and 474.

<sup>190</sup> IACHR, *2021 Annual Report. Chapter IV.B. Venezuela*, para. 179; IACHR, *2022 Annual Report. Chapter IV.B. Venezuela*, para. 92. The Office of the United Nations High Commissioner for Human Rights and the CEDAW have expressed similar concerns. See: OHCHR, *Situation of human rights in the Bolivarian Republic of Venezuela*. Report of the United Nations High Commissioner for Human Rights A/HRC/53/54, July 4, 2023, para. 31; CEDAW, Concluding observations on the ninth periodic report of the Bolivarian Republic of Venezuela



According to data published by the Attorney General on social media, since 2018, at least 628 women have been murdered by men with whom they had had a close relationship. One thousand two hundred and eight indictments for these crimes were issued during the same period, and 340 requests for arrest warrants were filed.<sup>191</sup> In addition, according to data gathered by the civil society, it is estimated that 184 femicides and 100 attempted femicides were committed between January 1 and August 31, 2023.<sup>192</sup>

115. The situation of violence faced by women and girls in rural areas near the borders with Brazil and Colombia, in particular in the states of Zulia, Bolívar and Amazonas, was worsened by the actions of armed and criminal groups present in the region and involved in drug trafficking and illegal extraction activities. Reports showed that these persons, in particular indigenous women and residents of rural areas, were victims of femicides, disappearances, sexual violence and contemporary forms of slavery, such as sexual and labor exploitation by human trafficking networks.<sup>193</sup>

116. In addition, women who live near mining areas, especially indigenous women, are at risk of contamination by heavy metals used in extractive activities, such as gold and cyanide mining, which jeopardizes their health.<sup>194</sup>

117. Furthermore, deficiencies in the healthcare system have led to high mortality rates in the country.<sup>195</sup> This is caused by the lack of access to sexual and reproductive health goods and services<sup>196</sup> and by the limitations on the access to contraceptives and essential drugs for pregnant women,<sup>197</sup> as well as by insufficient health services and menstrual hygiene products for women deprived of liberty.<sup>198</sup>

118. In the same vein, the persistent and almost absolute criminalization of persons who seek to voluntarily terminate a pregnancy, which is only allowed exceptionally in cases where the life of the pregnant woman is at risk,<sup>199</sup> together with the lack of abortion and post-abortion medical protocols,<sup>200</sup> created significant risks to the life and health of persons with gestational capacity. Additionally, the challenges for the implementation of comprehensive sexual education and gender equality programs in schools persisted, which is linked to the high dropout rates of girls and adolescents due to pregnancies.<sup>201</sup>

[CEDAW/C/VEN/CO/9](#), May 31, 2023, para 25.d). See also: Amnesty International, *Amnesty International Report 2022/23: The state of the world's human rights*, 2023, pp. 473 and 474.

<sup>191</sup> Office of the Public Prosecutor of Venezuela X account (@MinpublicoVEN), [July 31, 2023](#).

<sup>192</sup> CEPAZ National Femicide Observatory, [Monitoreo de femicidios enero-julio 2023](#), n/d, and [Monitoreo de femicidios agosto 2023](#), retrieved on October 1, 2023. In addition, UTOPIX, a non-governmental organization, recorded 139 femicides during the same period. Utopix, ["agosto de 2023: Son 18 femicidios en Venezuela para un total de 139 casos en ocho meses."](#) September 21, 2023.

<sup>193</sup> CEDAW, Concluding observations on the ninth periodic report of the Bolivarian Republic of Venezuela [CEDAW/C/VEN/CO/9](#), May 31, 2023, paras. 19 and 27; OHCHR, *Situation of human rights in the Bolivarian Republic of Venezuela*. Report of the United Nations High Commissioner for Human Rights [A/HRC/53/54](#), July 4, 2023, paras. 23 and 27; Fundaredes, ["Mujeres indígenas y de zonas rurales son víctimas de violencia por grupos armados irregulares en territorio venezolano,"](#) Bulletin No. 45, July 20, 2023; *Noticia al Día*, ["Con mayor incidencia de homicidios en Zulia: Denuncian aumento de acciones delictivas en estados fronterizos,"](#) March 16, 2023.

<sup>194</sup> OHCHR, *Situation of human rights in the Bolivarian Republic of Venezuela*. Report of the United Nations High Commissioner for Human Rights [A/HRC/53/54](#), July 4, 2023, para. 13; CEDAW, Concluding observations on the ninth periodic report of the Bolivarian Republic of Venezuela, [CEDAW/C/VEN/CO/9](#), May 31, 2023, para. 37.

<sup>195</sup> According to the most recent report published by the United Nations Population Fund (UNFPA), Venezuela was among the eight countries and territories with the largest maternal mortality rate increase in the world between 2000 and 2020. UNFPA, *State of World Population 2023*, n/d, pp. 16 and 39.

<sup>196</sup> IACHR, *2021 Annual Report. Chapter IV.B. Venezuela*, paras. 158 and 184; IACHR, *2022 Annual Report. Chapter IV.B. Venezuela*, para. 94.

<sup>197</sup> CEDAW, Concluding observations on the ninth periodic report of the Bolivarian Republic of Venezuela [CEDAW/C/VEN/CO/9](#), May 31, 2023, para. 37; Amnesty International, *Amnesty International Report 2022/23: The state of the world's human rights*, 2023, p. 473.

<sup>198</sup> CEDAW, Concluding observations on the ninth periodic report of the Bolivarian Republic of Venezuela [CEDAW/C/VEN/CO/9](#), May 31, 2023, para. 49.

<sup>199</sup> IACHR, *2021 Annual Report. Chapter IV.B. Venezuela*, para. 184.

<sup>200</sup> CEDAW, Concluding observations on the ninth periodic report of the Bolivarian Republic of Venezuela [CEDAW/C/VEN/CO/9](#), May 31, 2023, para. 37; Amnesty International, *Amnesty International Report 2022/23: The state of the world's human rights*, 2023, p. 473.

<sup>201</sup> CEDAW, Concluding observations on the ninth periodic report of the Bolivarian Republic of Venezuela [CEDAW/C/VEN/CO/9](#), May 31, 2023, para. 33.



## **Refugees, migrants and persons from Venezuela in need of international protection**

119. In line with the foregoing, the Commission noted that the main factors that triggered the unprecedented forced displacement of the Venezuelan population within and outside the Americas remain unchanged. According to the most recent figures from the Inter-Agency Coordination Platform for Refugees and Migrants from Venezuela (R4V Platform), as of August 2023, there were 7,710,887 refugees, migrants and asylum seekers from Venezuela, out of which 6,527,064 were in Latin America and the Caribbean.<sup>202</sup>

120. The main receiving countries for Venezuelan nationals in human mobility were Colombia, which recorded 2.89 million persons in 2023; Peru, with 1.54 million; and Brazil, with 477,500. In addition, according to the most recent figures from the United Nations High Commissioner for Refugees (UNHCR), by the end of 2022, there were 230,393 Venezuelan refugees in the world, as well as 1,137,162 asylum seekers and a total of 5,217,456 persons in need of international protection.<sup>203</sup>

121. According to the R4V Platform, the impact of the Covid-19 pandemic and the global cost of living are among the factors that have contributed to an environment in which Venezuelan nationals have limited access to livelihoods and to integration opportunities, despite the efforts of the countries of destination to grant international protection to refugees and implement migratory regularization and socio-economic integration processes.<sup>204</sup> This was compounded by a price growth acceleration process in Venezuela: according to the Venezuelan Finance Observatory, the interannual inflation rate was 422 percent as of August 2023.<sup>205</sup>

122. This mass migration cycle which, in the case of persons with fewer economic resources, took place by land, was combined with challenges during transit. As a result of the barriers imposed by other States to discourage the entry to their territories, Venezuelans increasingly turned to human smuggling networks and irregular routes to avoid stricter border control measures, which exponentially increased risks and promoted potential human rights violations.<sup>206</sup>

123. Once in the countries of destination, Venezuelan nationals reported food insecurity and lack of access to employment. They also recounted their need for adequate housing, since many of them were reportedly living in overcrowded conditions, with limited access to water, sanitation and hygiene. Children and adolescents also faced difficulties to access education.<sup>207</sup> Furthermore, they reported challenges related to discrimination, xenophobia, violence and the failure to mitigate learning gaps due to low literacy and numeracy levels. In addition, language barriers represent a significant challenge in some countries in the region.<sup>208</sup>

124. Access to a regular migratory status in the countries of destination constituted an additional challenge for migrants. According to 2023 figures, one out of every three refugees and migrants in the region were living irregularly, which subjected them to exclusion and vulnerability, as well as to situations of precariousness, discrimination and insecurity.<sup>209</sup> In particular, this resulted in an exponential risk of statelessness for children and adolescents who were born in transit or in countries of destination, especially in States whose regulations impose legal and/or practical barriers to naturalization.<sup>210</sup>

125. In addition to these challenges, Venezuelan nationals faced difficulties in accessing identification and/or travel documents proving their nationality, which created practical obstacles to obtaining a regular migratory status. Changes in bureaucratic procedures, supply shortages, the suspension of consular

---

<sup>202</sup> R4V Inter-Agency Coordination Platform for Refugees and Migrants from Venezuela, [R4V Latin America and the Caribbean, Venezuelan Refugees and Migrants in the Region](#), August 31, 2023.

<sup>203</sup> UNHCR, Refugee Data Finder, ["Venezuela statistics,"](#) December 31, 2022.

<sup>204</sup> R4V, [RMNA 2023 Refugee and migrant needs analysis](#), September 2023, p. 14.

<sup>205</sup> Venezuelan Finance Observatory, ["August 2023: la inflación fuera de control,"](#) September 5, 2023.

<sup>206</sup> R4V, [RMNA 2023 Refugee and migrant needs analysis](#), September 2023, p. 17.

<sup>207</sup> R4V, [RMNA 2023 Refugee and migrant needs analysis](#), September 2023, p. 26.

<sup>208</sup> R4V, [RMNA 2023 Refugee and migrant needs analysis](#), September 2023, p. 36.

<sup>209</sup> R4V, [RMNA 2023 Refugee and migrant needs analysis](#), September 2023, p. 26.

<sup>210</sup> UNHCR and Facultad de Derecho Alberto Hurtado, [El riesgo de apatridia en movimientos mixtos sucesivos](#), August 2023.



services in some countries and the inability to run errands from abroad, caused by the political crisis, economic instability and the lack of resources, have hindered the possibility to obtain or renew essential documents.<sup>211</sup>

126. Although various regularization and documentation initiatives had been implemented which have guaranteed access to vital rights and services for these people, the International Organization for Migration (IOM) emphasized that the international community needed to continue protecting them and investing in their host communities.<sup>212</sup> Similarly, the UNHCR and the IOM have called upon ensuring access to regularization mechanisms for Venezuelan refugees and migrants, and they have underscored that said mechanisms were the best way to foster inclusion in host countries, as well as to ensure access to documentation, promote their integration and prevent the increase of movements along dangerous migratory routes in the Americas.<sup>213</sup>

127. The aforementioned challenges in host countries have led to an increase in the mass and continuous movements of Venezuelan nationals from one country to the other in search of asylum or settlement.<sup>214</sup> Although these movements had been first observed at the end of 2020, they escalated in an unprecedented and multidirectional manner during 2023, and with an increasing tendency towards the north, mainly aimed at Central and North America.<sup>215</sup>

128. The Inter-American Commission emphasizes that the State needs to address the causes of migration and, in particular, to reestablish democracy and the Rule of Law. Furthermore, the Commission urges other States in the region to coordinate efforts to protect Venezuelan nationals moving through their territories. Finally, the Commission reiterates the need to adopt a complementary approach between the mechanisms for legal status regularization (migratory statutes) and international protection statutes, based on access to rights and comprehensive and durable solutions for Venezuelan nationals in the context of human mobility.<sup>216</sup>

### **Persons deprived of liberty**

129. The situation of persons deprived of liberty in Venezuela stands out as one of the most serious in the region. In particular, this is a result of the persistent lack of updated official statistics, the existence of two prison systems, overcrowding and the excessive use of preventive detention. In addition, deplorable detention conditions have been reported, as well as acts of torture and ill-treatment. This situation has led to an increase in the risks faced by LGBTI persons and those detained for political reasons, as detailed previously, especially considering the complete deterioration of the Rule of Law and the persecution carried out by the State.

### **Duality of prison systems**

130. One of the main challenges faced by persons deprived of liberty in Venezuela is the existence of a dual prison system. The official system, which, by the end of 2022, housed 33,558 people in 45 detention centers run by the Ministry of Popular Power for the Penitentiary Service (MPPSP),<sup>217</sup> and a parallel system,

---

<sup>211</sup> IACHR, [2022 Annual Report](#), Chapter IV.B. Venezuela.

<sup>212</sup> International Organization for Migration, [“Venezuelan Refugees, Migrants, and Their Hosts Need Help to Chart a Brighter Future,”](#) March 14, 2023.

<sup>213</sup> UNHCR and IOM, Joint Press Release, [“Regularization and integration are key to addressing human mobility in the Americas,”](#) May 31, 2023.

<sup>214</sup> UNHCR and Facultad de Derecho Alberto Hurtado, [El riesgo de apatridia en movimientos mixtos sucesivos](#), August 2023.

<sup>215</sup> R4V, [RMNA 2023 Refugee and migrant needs analysis](#), September 2023, p. 14.

<sup>216</sup> IACHR, [Guía Práctica Protección internacional y regularización de la condición legal en el contexto de movimientos mixtos a gran escala en las Américas](#), April 1, 2023.

<sup>217</sup> Venezuelan Prison Observatory (OVP), [Informe Anual 2022](#), 2023, p. 20.

composed of approximately 500 preventive detention spaces or *calabozos*,<sup>218</sup> which allegedly housed 35,000 people as of March 2022.<sup>219</sup>

131. The Commission emphasizes that it has repeatedly been unable to access official data on the population deprived of liberty in 2023. However, the civil society reported that there had been no significant changes in data compared to 2022 and that the State continued its practice of holding persons in pretrial detention spaces. In some cases, people had been detained for more than 10 years in facilities which are not suitable to house persons for more than 48 hours.<sup>220</sup>

132. In this regard, the Commission recalls that the State must adopt the necessary legislative measures and structural reforms so that detention at police facilities is used as little as possible, only until a judicial authority determines the legal situation of the person under arrest.<sup>221</sup>

### Overcrowding

133. Although the number of persons detained decreased by 4.5 percent,<sup>222</sup> according to the most recent information of the Venezuelan Prison Observatory (OVP), there were 33,558 people detained in prisons in 2022, while the capacity of prison facilities is 20,438 people.<sup>223</sup> These figures indicate that the level of overpopulation reaches 64 percent. This situation is more serious in the Penitentiary Center of the state of Aragua, the Anzoátegui Judicial Confinement Center, the Rodeo II Capital Region Judicial Confinement Center and the Rodeo III Capital Region Judicial Confinement Center, where overpopulation levels have reached 281 percent, 230 percent, 220 percent and 202 percent, respectively.<sup>224</sup>

134. The Commission reiterates that overcrowding of persons deprived of liberty in itself could constitute a form of cruel, inhuman or degrading treatment, and therefore a violation of the right to personal integrity and other internationally recognized human rights.<sup>225</sup> In this regard, the Commission urges the State of Venezuela to adopt urgent measures to reduce overcrowding in detention centers across the country, starting with those whose overpopulation levels are higher than 200 percent.

### The use of pretrial detention

135. One of the causes of the increased levels of overcrowding is the excessive use of pretrial detention as a precautionary measure in the country. According to information provided by the civil society, out of the 33,558 people in detention centers, 17,825 were in pretrial detention, representing 53 percent of the detained population.<sup>226</sup>

136. In addition to this, according to the most recent report of the Independent International Mission, there were several instances in which people had been held in pretrial detention in the headquarters of the Bolivarian National Intelligence Service and the General Directorate of Military Counterintelligence, as well as in other places of detention across the country, for longer periods than those permitted by law. Likewise, the information gathered showed that, even after a judge had ordered the immediate release of individuals, prison directors had refused to do so on the grounds that authorizations from the MPPSP were pending. This

<sup>218</sup> IACHR, [2021 Annual Report, Chapter IV.B. Venezuela](#), para. 202, and IACHR, [2022 Annual Report, Chapter IV.B. Venezuela](#), para. 122.

<sup>219</sup> World Prison Brief, [World Prison Brief data – Venezuela](#), 2023.

<sup>220</sup> Venezuelan Prison Observatory, [Informe Anual 2022](#), 2023, p. 102.

<sup>221</sup> IACHR, [Report on the Use of Pretrial Detention in the Americas](#), para. 257.

<sup>222</sup> Specifically, there were 33,710 people in detention centers in 2021, a figure that decreased to 33,558 persons in 2022. See, in this regard: Venezuelan Prison Observatory, [Informe Anual 2022](#), 2023, p. 20.

<sup>223</sup> Venezuelan Prison Observatory (OVP), [Informe Anual 2022](#), 2023, p. 35.

<sup>224</sup> See, in this regard: Venezuelan Prison Observatory, [Informe Anual 2022](#), 2023, p. 36.

<sup>225</sup> IACHR, [Report on the Use of Pretrial Detention in the Americas](#), OEA/Ser.L/V/II, Doc. 46/13, approved on December 30, 2013, para. 290 (hereinafter “the report on the use of pretrial detention in the Americas.”)

<sup>226</sup> Venezuelan Prison Observatory, [Informe Anual 2022](#), 2023, p. 27.



pattern has disproportionately affected persons deprived of their liberty for having opposed the government.<sup>227</sup>

137. Accordingly, the Commission recalls that the application of pretrial detention must be based on consideration of the right to presumption of innocence and must take into account the exceptional nature of this measure. Moreover, it should be applied in keeping with the criteria of legality, necessity and proportionality.<sup>228</sup> In addition, a person must not be held in pretrial detention for longer than the State can appropriately justify its need; otherwise, the denial of liberty becomes arbitrary.<sup>229</sup>

#### Other problematic issues

138. In general, detention conditions faced by persons deprived of liberty in Venezuela have been marked by overcrowding, self-government, corruption, intraprison violence, food shortages, lack of trained staff and lack of access to drinking water and medical care. The lack of updated information (except for the limited information received on the detention of women and LGBTI persons, and on those deprived of liberty for political reasons) makes it impossible for the Commission to determine whether these issues improved or worsened in 2023.

139. According to a report published by the OVP, prison conditions for women in Venezuela showed significant problems in 2023. Among the 2,560 women who are deprived of liberty in the country, there are 82 foreigners who are detained in spaces described as “improvised” and without an adequate gender approach. Most women’s facilities are annexes within prisons for men, which impacts the welfare and specific needs of incarcerated women. Critical overcrowding, which has reached 187.14 percent, is one of the main issues, together with the lack of medical care, especially for women with children, and the absence of adequate maternity spaces inside prisons.<sup>230</sup>

140. During the 187<sup>th</sup> regular period of sessions held in July 2023, the Commission held a hearing on the human rights situation of LGBTI persons deprived of liberty. The organizations that requested the hearing reported that these persons were in a situation of extreme vulnerability due to the precariousness of their detention conditions, which are compounded by structural discrimination based on their sexual orientation, identity and/or gender expression.<sup>231</sup>

141. According to the information provided by the civil society, no detailed statistics on LGBTI persons had been prepared during that year. The absence of information prevents the creation of policies and specific records, resulting in discrimination against LGBTI persons and in their exclusion from official data, and in the persistence of discriminatory practices in the prison system. In addition, as a consequence of the lack of information, no adequate regulations were implemented to protect LGBTI persons. For example, they were not placed in separate areas. As a result, trans women have been placed next to men and gay men in punishment cells, thus aggravating their situation of vulnerability.<sup>232</sup>

142. In particular, trans, non-binary and gender-diverse individuals face significant challenges in detention centers since prison facilities are not adequately prepared to accommodate people according to their gender identities. Trans persons are frequently assigned to centers based on the sex stated in their identity documents, without considering their gender identity. In addition, the Commission received information about

<sup>227</sup> United Nations Human Rights Council, [Report of the Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela](#) A/HRC/54/57, September 18, 2023, paras. 37 and 38.

<sup>228</sup> IACHR, [Report on Measures Aimed at Reducing the Use of Pretrial Detention in the Americas](#) OEA/Ser.L/V/II.163. Doc. 105, July 3, 2017, para. 231. Recommendation A “General measures related to matters of state policy,” para. 1 (hereinafter “the report on measures aimed at reducing the use of pretrial detention in the Americas.”)

<sup>229</sup> IACHR, [Report on the Use of Pretrial Detention in the Americas](#), para. 159.

<sup>230</sup> Venezuelan Prison Observatory, [“Las mujeres en prisión son discriminadas desde su detención.”](#) April 12, 2023.

<sup>231</sup> IACHR, 187<sup>th</sup> regular period of sessions, public hearing [“Human rights situation of LGBTIQ+ persons deprived of liberty in Venezuela.”](#) held on July 14, 2023. Information provided by the Venezuelan Prison Observatory.

<sup>232</sup> IACHR, 187<sup>th</sup> regular period of sessions, public hearing [“Human rights situation of LGBTIQ+ persons deprived of liberty in Venezuela.”](#) held on July 14, 2023. Information provided by the Venezuelan Prison Observatory.

the grim reality faced by these individuals who need to hide their sexual orientation or gender identity to avoid attacks and stigmatization from other inmates and from prison authorities.<sup>233</sup>

143. The challenges that LGBTI persons face in accessing respectful health services are evidenced by the obstacles they encounter to receive hormone therapy and medical care for specific diseases such as the human immunodeficiency virus (HIV). Even those persons who had previously benefited from HIV antiretroviral drugs stopped receiving their treatment during the Covid-19 pandemic and currently have no access to services to assess their health condition. In addition, LGBTI persons faced an increased risk of physical and verbal violence from other inmates. With regard to conjugal visits, although every detained person is entitled to them, the LGBTI population encountered obstacles to the exercise of this right due to the context of discrimination and lack of awareness among prison staff,<sup>234</sup> as well as absence of regulations protecting their relationships.<sup>235</sup>

### **Lesbian, gay, bisexual, trans and intersex (LGBTI) persons**

144. LGBTI persons do not only face challenges related to discrimination based on sexual orientation and/or gender identity in the prisons across the country. These persons experienced high levels of violence and discrimination in 2023, which, according to public information, resulted in at least 60 cases of attacks against LGBTI persons during the first three months of the year.<sup>236</sup> At the same time, the preliminary report of País Plural showed that, out of a sample of 555 LGBTI persons, 28.11 percent reported that they had been subjected to violence by state agents, 25.89 percent stated that they had been excluded from employment opportunities, and 20.27 recounted that they had faced discrimination by health professionals.<sup>237</sup>

145. For instance, on July 23, 2023, the Bolivarian National Police (PNB) carried out an operation in a private venue frequented by LGBTI persons in the state of Carabobo and arrested 33 gay and sexually diverse men. During the operation, the detainees were photographed, and pictures of them and their identity cards were published in various media outlets. Thirty of these individuals were released under the condition that they appeared periodically before a court, while three remained in custody for 10 days.<sup>238</sup>

146. Although the operation was allegedly prompted by noise-related complaints from neighbors, human rights defenders claimed that the arrests had been motivated by prejudice and discrimination against these persons based on their sexual orientation. The operation took place in a context of great vulnerability of LGBTI people in Venezuela, who are at the mercy of arbitrary measures or abuses of authority from state security agents based on prejudice against their non-normative sexual orientation or gender identity.<sup>239</sup>

147. The Commission recalls that criminalizing sexual relations between consenting adults of the same sex, whether through laws or the actions of security and justice bodies, runs counter to inter-American and universal human rights standards. Similarly, the principles of due diligence require that information relating to the sexual orientation, gender identity and/or gender expression of people under investigation be handled with strict control of their privacy to ensure respect for the dignity and rights of all people involved.<sup>240</sup>

<sup>233</sup> See, in this regard: IACHR, *2022 Annual Report. Chapter IV.B. Venezuela*, paras. 121, 127-133. In addition, see: IACHR, 187<sup>th</sup> regular period of sessions, public hearing “[Human rights situation of LGBTIQ+ persons deprived of liberty in Venezuela](#),” held on July 14, 2023. Information provided by the Venezuelan Prison Observatory.

<sup>234</sup> IACHR, 187<sup>th</sup> regular period of sessions, public hearing “[Human rights situation of LGBTIQ+ persons deprived of liberty in Venezuela](#),” held on July 14, 2023. Information provided by the Venezuelan Prison Observatory.

<sup>235</sup> IACHR, 187<sup>th</sup> regular period of sessions, public hearing “[Human rights situation of LGBTIQ+ persons deprived of liberty in Venezuela](#),” held on July 14, 2023. Information provided by the Venezuelan Prison Observatory.

<sup>236</sup> Infobae, “[Denuncian que Venezuela está rezagada en materia de derechos de la comunidad LGBTQ+.](#)” June 29, 2023.

<sup>237</sup> Venezuelan Observatory of LGBTIQ+ Violence, “[Nuestra Comunidad presentó datos preliminares sobre las condiciones de vida de las personas LGBTQ+ en Venezuela.](#)” September 27, 2023; Tu País Plural, “[Nuestra Comunidad comparte datos preliminares de personas LGBTQ+ en Venezuela.](#)” September 22, 2022.

<sup>238</sup> Washington Office for Latin America (WOLA), “[Justicia para los 33 en Venezuela: ser LGBTI+ no es delito.](#)” August 3, 2023.

<sup>239</sup> Washington Office for Latin America (WOLA), “[Justicia para los 33 en Venezuela: ser LGBTI+ no es delito.](#)” August 3, 2023.

<sup>240</sup> IACHR, Press Release No. 176/23, “[IACHR Urges Venezuela to Refrain from Criminalizing LGBTI People.](#)” August 7, 2023.



148. In this regard, the Inter-American Commission urges Venezuela to respect human rights and cease criminalizing LGBTI people, in strict compliance with the principles of equality and nondiscrimination. The Commission also calls on the State to guarantee the principle of legality and to ensure that people are released if no crime was committed and no charges were brought against them. Finally, the Commission urges the authorities to refrain from publicly humiliating the accused and to ensure strict compliance with due diligence standards.<sup>241</sup>

149. Moreover, Article 565 of the Organic Code of Military Justice, which criminalized same-sex relations, was repealed this year.<sup>242</sup> This development improves the lives of LGBTI people, since the existence of said laws contributes to preserving a social environment in which discrimination and violence against LGBTI persons are understood to be tacitly permitted or tolerated.

### Indigenous peoples

150. The Inter-American Commission remains concerned about the human rights situation of indigenous peoples, in particular with regard to the guarantee of their ESCERs, as well as to the impact of illegal mining on their territories and to the military operations to dismantle this practice. According to estimations, illegal mining practices affected 38 Venezuelan indigenous peoples in 2023.<sup>243</sup>

151. The situation of the Yanomami people, who live both in the Brazilian and the Venezuelan territories, is of particular concern. According to information provided by the State of Brazil, 570 Yanomamis have died in the last four years and at least 30,400 have suffered from malaria. In addition, the people who are part of this indigenous group and move repeatedly between the borders of Brazil and Venezuela are constantly at risk of suffering from food insecurity and medical conditions.<sup>244</sup>

152. Various indigenous peoples have historically practiced artisanal mining in states such as Amazonas. However, since the Covid-19 pandemic, there has been an increase in illegal mining both by persons who invade their territories and by foreign gangs from Colombia and Brazil (known as *garimpeiros*) engaged in this practice.<sup>245</sup> As of August 2023, 70 illegal mining hotspots had been identified, and 934 hectares had been deforested in lands belonging to the Yek'wana people.<sup>246</sup>

153. In September 2023, the State of Venezuela conducted large-scale military operations to dismantle gangs involved in illegal mining. According to information provided by civil society organizations, three indigenous persons died during this operation, reportedly as a result of the action of the armed forces.<sup>247</sup> In addition, according to the information available to the Commission, the State has promoted the militarization of the south part of the country as a measure to strengthen state control over mining activities in the area. As a result of this policy, the levels of violence in the region have increased and clashes, acts of corruption<sup>248</sup> and murders have been recorded, particularly in the municipality of Gran Sabana, Bolívar.<sup>249</sup>

<sup>241</sup> IACHR, Press Release No. 176/23, "[IACHR Urges Venezuela to Refrain from Criminalizing LGBTI People](#)," August 7, 2023.

<sup>242</sup> OHCHR, "[UN High Commissioner for Human Rights Volker Türk concludes official mission to Venezuela](#)," January 28, 2023.

<sup>243</sup> Foro Penal, "[Venezuela: en los estados de Amazonas y Bolívar, 38 pueblos indígenas son afectados por la minería ilegal](#)," September 15, 2023.

<sup>244</sup> IACHR, Press Release No. 015/23, "[IACHR and Its Special Rapporteurship on Economic, Social, Cultural, and Environmental Rights Stress That Brazil Must Ensure the Survival of the Yanomami People](#)," February 8, 2023.

<sup>245</sup> Mongabay, "[Venezuela: monitoreo satelital detecta 70 focos de minería ilegal y 934 hectáreas deforestadas en territorio ye'kwana y sanema](#)," August 1, 2023.

<sup>246</sup> Foro Penal, "[Venezuela: en los estados de Amazonas y Bolívar, 38 pueblos indígenas son afectados por la minería ilegal](#)," September 15, 2023.

<sup>247</sup> Foro Penal, "[Venezuela: en los estados de Amazonas y Bolívar, 38 pueblos indígenas son afectados por la minería ilegal](#)," September 15, 2023.

<sup>248</sup> United Nations Human Rights Council, *Report of the Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela* [A/HRC/51/43](#), September 20, 2022, para 85.

<sup>249</sup> United Nations Human Rights Council, *Detailed findings of the Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela: The human rights situation in the Arco Minero del Orinoco region and other areas of the Bolívar state*

154. The Commission reiterates the State's obligation to investigate and punish acts of violence against indigenous peoples with a culturally responsive approach. It also underscores the importance of taking decisive measures to address the risk and threat factors they face, especially in relation to the guarantee and protection of their lands and territories within the context of the activities, plans or projects they carry out therein.

155. Finally, the Commission reiterates that, in accordance with the international obligations of the State, both in terms of the inter-American<sup>250</sup> human rights system and the universal<sup>251</sup> human rights system, the presence of military forces in indigenous territories must be agreed upon in advance with the indigenous peoples in question through effective consultations and appropriate procedures with their representative institutions.

### Afro-descendant persons

156. The State has recognized the contributions of Afro-descendant persons in international entities, such as the United Nations Permanent Forum on People of African Descent.<sup>252</sup> However, the Commission observes that there is no public detailed information about the situation of Afro-descendant persons in Venezuela and the challenges to their rights.

157. A study prepared by the civil society and published in 2023 revealed a lack of attention to the specific experiences of Venezuelan Afro-descendant migrants from a rights-based and intersectional perspective. Out of a sample of 3,285 migrants in Colombia, six percent identified themselves as Afro-descendant, mainly in the cities of Cúcuta (10.5 percent), Santa Marta (4 percent) and Barranquilla (3.5 percent). This sample included a considerable proportion of women between 27 and 35 years of age.<sup>253</sup> The study found that racism, gender discrimination and xenophobia in the workplace are closely related, and that this has a differentiated impact on migrant Afro-descendant women and has exposed them to gender-based violence in the workplace.<sup>254</sup>

158. The Commission reaffirms the need for the State of Venezuela to implement public policies with an intersectional perspective, including factors such as ethnic-racial origin, age, gender, migratory status, socioeconomic condition, among others, in order to eradicate structural patterns of racial discrimination.

## VI. CONCLUSIONS AND RECOMMENDATIONS

159. The Inter-American Commission has emphasized that, during 2023, Venezuela continued to face significant challenges in respecting and ensuring human rights. The main obstacle to solving the serious crisis in the country is the lack of a democratic institutional framework guided by the separation and balance of the branches of government.

160. The continued absence of a system of checks and balances, as well as the deterioration of the Rule of Law, has led the Venezuelan government to impose a systematic state policy of repression and intimidation against persons or organizations that express their disagreement with the government or are perceived as opponents.

---

A/HRC/51/CRP.2, September 20, 2022, para. 165; United Nations Human Rights Council, *Report of the Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela*, [A/HRC/51/43](#), September 20, 2022, paras. 91-102.

<sup>250</sup> IACHR, Right to self-determination of Indigenous and Tribal Peoples, 2021, para. 187; Cf. [American Declaration on the Rights of Indigenous Peoples AG/RES.2888 \(XLVI-O/16\)](#), 2016, art. XXX.4.5.

<sup>251</sup> [United Nations Declaration on the Rights of Indigenous Peoples](#), 2017, art. 30.

<sup>252</sup> *Prensa Latina*, "Venezuela ratifica defensa de pueblos afrodescendientes," May 10, 2023.

<sup>253</sup> Race and Equality, Report: [Situación de la población afrovenezolana en contextos migratorios en Colombia: Análisis y recomendaciones para la aplicación del enfoque étnico-racial](#), 2023, p. 29.

<sup>254</sup> Race and Equality, Report: [Situación de la población afrovenezolana en contextos migratorios en Colombia: Análisis y recomendaciones para la aplicación del enfoque étnico-racial](#), 2023, p. 83.



161. With regard to the structured repression policy, the State has failed to adopt effective measures to guarantee that victims of serious human rights violations, such as extrajudicial executions, torture and forced disappearances, have access to justice. The impunity for serious violations committed in previous years, especially since 2017, has persisted and created major accountability gaps.

162. In addition to the systematic persecution against the opposition, state institutions have implemented discriminatory procedures to access public office. The incumbent authorities have benefited from the absence of a system of checks and balances to implement administrative disqualifications and criminal proceedings to prevent members of the opposition from running for public office. These restrictions against political rights infringe the American Convention on Human Rights and other international treaties and standards.

163. In addition, the civic space continued to shrink as a result of the restrictions to the freedoms of expression, association and peaceful assembly, which has limited the involvement of human rights defenders, social movements and political parties that are critical of the government in matters of public interest. This policy has been designed to discourage any expression of political opposition, whether real or perceived.

164. Institutional deterioration has resulted in limited access to economic, social, cultural and environmental rights (ESCERs), causing a mass displacement of people on an unprecedented scale in the region. According to estimations, 7,320,225 persons have abandoned Venezuela since 2015 seeking to protect fundamental rights, such as the rights to food and health.

165. The Commission has closely monitored the dialogue initiatives between the government and the Unity Platform, a coalition of several opposition parties. Although the Commission welcomes these efforts to reach agreements, it underscores the need for concrete measures to ensure the political participation of all sectors, with gender parity and free from discrimination, as well as accountability for the human rights violations committed.

166. The Inter-American Commission reiterates its offer to collaborate with the State and the Venezuelan society as a whole in order to ensure effective compliance with the recommendations contained in this report and thus contribute to strengthening the defense and protection of human rights.

167. Additionally, the Commission reaffirms its interest and willingness to visit Venezuela, and it therefore formally requests the consent of the State.

#### **Position of the State vis-à-vis the inter-American system**

1. Fully comply with the decisions and recommendations of the inter-American human rights system, including those set out in the 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021 and 2022 annual reports. In addition, comply with the recommendations put forward in reports such as *Democratic Institutions, the Rule of Law and Human Rights in Venezuela* (2017), *Democracy and Human Rights in Venezuela* (2009) and *Report on the Situation of Human Rights in Venezuela* (2003).

#### **Democratic institutions**

2. Restore the constitutional order, guaranteeing:
  - i. the independence of powers and a system of checks and balances for the branches of government

- ii. political participation of the entire population without repression or discrimination and
  - iii. effective citizen control over the actions of the different branches of the State.
- 3. Ensure that the provisions relating to the state of emergency are used in situations of extreme seriousness and exceptional nature and are rigorously and reasonably adapted based on the needs of the situation in question.
- 4. Promote mechanisms of dialogue between different political stakeholders and the civil society aimed at urgently reconstructing the democratic institutions of the country.

#### **Administration of justice and judicial independence**

- 5. Adopt urgent measures to:
  - i. significantly reduce the number of provisional judges and increase the number of tenured judges
  - ii. ensure that judges can only be removed through a disciplinary process that respects the guarantees of due process of law and that is duly grounded and
  - iii. provide guarantees for the stability of judges in office, especially through public selection processes with transparent appointment procedures.
- 6. Take the necessary measures, including legislative measures, so that civilians are not investigated, prosecuted and/or tried by the military criminal jurisdiction, and, if necessary, redirect the ongoing proceedings to the ordinary courts.

#### **Political rights and participation in public life**

- 7. Overturn the administrative measures that restrict political rights, including those imposed by the Office of the Comptroller General of the Republic.
- 8. Adapt the domestic regulatory framework to ensure that the Office of the Comptroller General of the Republic cannot institute proceedings or impose removal or disqualification sanctions against persons holding elected office in accordance with governing inter-American standards on the subject.
- 9. Refrain from making illegal or arbitrary detentions, and, in the event that a person is deprived of liberty, ensure that all due process of law guarantees are met, including that persons are to be brought promptly before an independent judicial authority, so as to avoid enforced disappearances, torture and other cruel and inhuman treatment.
- 10. Remove regulatory obstacles to the legitimate exercise of the right to protest, in particular by eliminating the requirement to obtain prior authorization to hold demonstrations.
- 11. Grant journalists the maximum degree of guarantees so that they are not detained, threatened or assaulted, and so that their working materials and tools are not confiscated for practicing their profession.
- 12. Promote the amendment of ambiguous or vague criminal laws that limit freedom of expression in a disproportionate manner, such as those designed to protect the honor of ideas or institutions, or those that seek to protect national security or public peace.



13. Eliminate the use of criminal proceedings to inhibit free democratic debate on matters of public interest and the full exercise of political rights.
14. Refrain from placing restrictions on the operation of websites, blogs, applications or any other system for the dissemination of information on the Internet, electronic systems or the like, including support systems, such as ISPs, or search engines.

#### **Violence and citizen security**

15. Ensure that the use of force is in strict compliance with the principles of exceptionality, legality, necessity, proportionality, nondiscrimination and accountability.
16. Start, *ex officio* and without delay, a serious, impartial, and effective and open to public scrutiny investigation into facts related to the potentially excessive use of force.
17. Immediately and decisively adopt measures to exclude the military, armed forces and armed civilian groups from performing citizen security functions.

#### **Poverty and ESCERs**

18. Implement economic and fiscal policies with a human rights approach to combat poverty and extreme poverty, and to guarantee the ESCERs of the population, paying special attention to the most vulnerable populations and refraining from discriminatory practices.
19. Take the necessary measures to ensure that boys, girls and adolescents have access to quality health services, which include the provision of medicines, especially considering the situation of boys, girls and adolescents suffering from chronic diseases.
20. Refrain from any action or conduct that may limit the autonomy of universities, and study, review and amend any legislation or practice that undermines it.

#### **Women**

21. Adopt the necessary measures to comply with the State's obligation of due diligence in the prevention, protection, investigation, punishment, and reparation of all forms of violence against women.
22. Urgently adopt all necessary measures to ensure that a varied, accessible, and acceptable range of contraceptive and family planning methods are available, both for men and women, across the country.
23. Review domestic legislation on the voluntary termination of pregnancy, so as to ensure the effective exercise of sexual and reproductive rights of girls, women and pregnant women of all ages.

#### **Persons deprived of liberty**

24. Release all political prisoners and individuals who have been arbitrarily detained immediately.
25. Adopt the penitentiary policies necessary to:
  - i. allow sufficient access to drinking water and food in adequate quantity, quality and conditions of cleanliness, as well as access to light and appropriate ventilation, and

- ii. Guarantee adequate medical care for women and LGBTI persons, with a gender sensitive approach.
26. Ensure that detention conditions are compatible with human dignity and respect for human rights to guarantee the dignified treatment of persons in custody.

**Lesbian, gay, transsexual, bisexual, intersex (LGTBI) persons**

27. Implement measures to prevent violence against LGBTI persons, including effective and independent procedures to report violations.
28. Investigate and prosecute crimes against LGBTI persons with due diligence, especially when state agents, such as the police, may be responsible for the acts of violence.

**Migrants, asylum seekers, refugees, beneficiaries of complementary protection, internally displaced persons and victims of human trafficking**

29. Annul all measures that hinder the right of all persons to leave Venezuelan territory.
30. Guarantee the rights to legal personality and identity through the timely and unhindered issuance of identity documents (including passports, ID cards, civil registration records, as well as criminal background certificates).

**Human rights defenders**

31. Cease all acts of harassment and criminalization against human rights defenders.
32. Refrain from approving bills that may disproportionately restrict the right of association of civil society organizations.

**Indigenous peoples**

33. Produce disaggregated information on the right to health of cross-border indigenous peoples and guarantee equitable and culturally appropriate access to quality health services through health care policies and programs that respect and value the traditional practices and ancestral health care knowledge of these communities.
34. Implement all necessary measures to launch or strengthen the supervision and oversight mechanisms for relevant extractive, exploration, or development activities.
35. Ensure that every security operation aimed at dismantling illegal mining practices complies with standards concerning the use of force.

**Afro-descendant persons**

36. Design and publish statistical records with disaggregated data on the Afro-descendant population.